

County of Loudoun
Department of Planning
MEMORANDUM

DATE: November 15, 2012

TO: Jane McCarter, AICP, LEED AP, Project Manager
Land Use Review

FROM: Richard Klusek, AICP, Senior Planner
Community Planning

SUBJECT: ZCPA 2012-0003; Goose Creek Preserve, Section 2A
Third Referral

EXECUTIVE SUMMARY

In June 2012, Brookfield Goose Creek Preserve LLC proposed a zoning concept plan amendment (ZCPA) to amend the previously approved Goose Creek Preserve (ZMAP 2002-0009) proffers and concept development plan to convert 64 multi-family units to single-family attached units within a 4.49-acre portion of Land Bay IV. Staff reviewed the application and found that the proposal was not in conformance with the Revised General Plan. The most significant issue was with respect to capital facilities contributions. The Applicant proposed a capital facilities contribution of \$8986 per unit as opposed to the \$40,385 which is the single-family attached Capital Intensity Factor adopted by the Board of Supervisors. A first and second referral were prepared to outline the other issues. Overall, the outstanding issues described in the second referral have not been addressed as the application continues to propose a residential development that is characteristic of a single-family attached development. As such, capital facilities contributions for single-family attached development are recommended to avoid a deficit of approximately \$2,000,000 for County capital needs such as educational, public safety, recreational, public health, and government facilities. Staff reiterates the outstanding issues below.

OUTSTANDING ISSUES

Capital Facilities

In response to staff comments, the Applicant has resubmitted the application and is proposing to change the design of the units but to keep them as multi-family units. However, based on review of the submission materials, the proposed design appears to be more characteristic of single-family attached development than multi-family development. The Applicant has provided elevations and lot layouts in Sheet 4 of the Concept Development Plan. However, both the elevations and layouts include notes to

suggest that the drawings are for illustrative purposes only and that changes are possible. Notwithstanding the above, the units depicted in the elevations appear to look like and be sized as townhouse units that share a common entry way and vestibule as opposed to having separate front doors as is typical of townhouse units.

As such, the anticipated impact of the development would generally be the same as for single-family attached (townhouse) units. The Capital Intensity Factors (CIF) adopted by the Board of Supervisors were determined based on the anticipated impacts of proposed development. The impacts essentially equate to increased demand for services such as schools, police, and fire protection. Those impacts are largely a function of increased population and unit size as opposed to the design elements of a residential project. Therefore, in terms of calculating capital facilities contributions, the proposed units, which appear to be relatively large 3-story homes would be more appropriately considered as single-family attached units due to the anticipated size of the units and likely impacts on capital facilities.

Staff also recommends the Applicant provide additional clarification of the proposed unit design. The Applicant's statement of justification includes the following statement:

"The revised design incorporates townhouse elements but is a multi-family product that requires at least two units to utilize a shared entrance, at least five units to be located on one parcel, and a portion of each dwelling unit to include a vertical overlap with an adjoining unit."

Based on this statement it is unclear whether all units will have a shared entrance or if only two units per parcel will have a shared entrance. Since there would be a minimum of five units per parcel, it would appear that at least one unit would require a separate entrance and would essentially function as a typical townhouse unit. The "vertical overlap" should also be clarified. It is unclear whether this implies that actual living space will overlap or if the overlap only includes spaces such as closets.

The application proposes residential development that essentially functions as single-family attached residential units despite an entrance that could possibly be shared by two units. As such, single-family attached capital intensity factors of \$40,385 per unit should be applied. Staff comments provided in the first and second referrals with respect to the application's inconsistency with the Revised General Plan continue to apply.

Unmet Housing Needs

Staff's first and second referrals discussed the application's conformance with the unmet housing needs policies of the Revised General Plan. If the applicant intends to provide single-family attached units, the first and second referrals should be referenced to incorporate unmet housing needs policies into the proposed application.

Specifically with respect to cash contributions for unmet housing needs, a cash contribution of \$1,875.00 per market rate unit is deemed appropriate. This calculation is based on an approach detailed in a recently circulated memorandum from the Department of Family Services. In summary, the approach takes 6.25% of proposed market rate units and multiplies that number by a reasonable public subsidy which is considered to be approximately \$30,000 whereas \$90,000 is the average estimated cost to construct a multi-family affordable rental unit. This yields a total contribution amount. That amount is then divided by the total number of market rate units in the project to identify a per unit cash contribution.

$56 \text{ market rate units} \times 6.25\% = 3.5$ (assumes 8 ADU's, see second referral)
 $3.5 \times \$30,000 = \$105,000$
 $\$105,000 \div 56 = \textbf{\$1,875.00 per unit}$

SUMMARY RECOMMENDATION

Staff recommends that the impacts on capital facilities of the proposed residential development be mitigated applying the current Capital Intensity Factor for single-family attached units. Additionally, depending on the final determination of what unit types will be constructed, staff recommends the applicant consider 12.5 percent of all dwellings, or 8 units, be constructed as Affordable Dwelling Units within the project site and that the applicant consider the full spectrum of housing needs.

Until such time as capital facility impacts have been mitigated, staff cannot support the application.

cc: Julie Pastor, AICP, Director
Cynthia L. Keegan, AICP, Program Manager, Community Planning (via email)

County of Loudoun
Department of Planning
MEMORANDUM

DATE: August 30, 2012

TO: Jane McCarter, AICP, LEED AP, Project Manager
Land Use Review

FROM: Joe Gorney, AICP, LEED AP, Senior Planner
Community Planning

SUBJECT: ZCPA 2012-0003; Goose Creek Preserve, Section 2A
Second Referral

EXECUTIVE SUMMARY

The proposed zoning concept plan amendment would convert 64 multi-family (MF) (town over town) units to single-family attached (SFA) units within a 4.49-acre portion of the previously approved Goose Creek Preserve (ZMAP 2002-0009). The proposal would reduce the multi-family units within Goose Creek Preserve by approximately 13 percent, increase the number of single-family attached units by the same percentage, and decrease the amount of open space by 0.27 acres.

The applicant has responded to first referral comments. However, the applicant has not adequately addressed the issue of capital facilities.

The anticipated capital facilities contribution for the proposed single-family attached units has been calculated by staff by applying the current CIF adopted by the Board of Supervisors in 2009, and the units were assessed at \$40,385 per unit. By that calculation, the total projected capital facilities impact for the proposed development of 64 market rate single-family attached units is estimated to be \$2,584,640. However, the applicant proposes a capital facilities contribution of \$8,986.04 for each market rate residential unit. Applying the applicant's proposed contribution would result in a deficit of approximately \$2,000,000 for County capital needs such as educational, public safety, recreational, public health, and government facilities.

The applicant proposes that affordable dwelling units not be required within the project site. Eliminating affordable housing from the project site would not enhance housing options for those who live and/or work in the County.

Staff recommends that the impacts on capital facilities of the proposed residential development be mitigated applying the current Capital Intensity Factor for single-family

attached units. Additionally, staff recommends the applicant consider 12.5 percent of all dwellings, or 8 units, be constructed as ADUs within the project site.

Without a commitment to mitigate capital facility impacts, staff cannot support the application.

BACKGROUND



Vicinity Map

Brookfield Goose Creek Preserve LLC proposes a zoning concept plan amendment (ZCPA) to amend the previously approved Goose Creek Preserve (ZMAP 2002-0009) proffers and concept development plan to convert 64 multi-family units to single-family attached units within a 4.49-acre portion of Land Bay IV. The property is zoned PD-H4 (Planned Development - Housing). ZMAP 2002-0009 encompasses approximately 163.4 acres and was approved for 500 dwellings and a density of approximately 3.06 dwelling units per acre. The site is located on the west side of Belmont Ridge Road (Route 659) and south of the Dulles Greenway (Route 267).

OUTSTANDING ISSUES

Capital Facilities

In the first referral, staff recommended that the impacts on capital facilities of the proposed residential development be mitigated applying the current Capital Intensity Factor (CIF) for single-family attached units.

Analysis

The capital facilities contribution for the proposed single-family attached units has been calculated by staff by applying the current CIF adopted by the Board of Supervisors in 2009, and the units were assessed at \$40,385 per unit. The total projected capital facilities impact for the proposed development of 64 market rate single-family attached units is estimated to be \$2,584,640. However, the applicant proposes a capital facilities contribution of \$8,986.04 for each market rate residential unit for a total of approximately \$575,107. The applicant's proposed contribution would result in a deficit of approximately \$2,000,000 for County capital needs.

The applicant states that the proposed capital facilities contribution is consistent with the approval by the Board of Supervisors of ZCPA 2011-0002, Broadlands South Section 200, in which multi-family dwellings, which were approved as part of ZCPA 2002-0011, were converted to single-family attached dwellings and the 2004 CIF for single-family attached dwellings was used to calculate a capital facilities contribution. Staff notes that the circumstances of ZCPA 2011-0002, Broadlands South Section 200, were fundamentally different than those of ZCPA 2012-0003 for several reasons:

- (i) The Broadlands South project was the subject of a lawsuit related to a dispute as to what type of product constituted a multi-family unit. The Broadlands applicant submitted ZCPA 2011-0002 to convert from multi-family to single-family attached units in order to achieve a negotiated settlement of the suit. It is inappropriate to compare the circumstances of that application with the current application, which simply seeks to change the course of the development while ignoring the direction offered by County policies and Board-adopted capital intensity factors;**
- (ii) The applicant for the Broadlands South project proffered additional contributions for other improvements within that project area, which had the effect of a credit for the capital facilities contribution. The Goose Creek Preserve applicant is not proffering additional contributions that could potentially offset the impacts of the introduced uses; and**
- (iii) The applicant for the Broadlands South project applied the 2004 CIF for single-family attached dwellings that had been in place at the time of its original approval in 2005 coupled with an escalation based on the Consumer Price Index with a base year of 2005. The Goose Creek Preserve applicant proposes a capital facilities contribution that is approximately 45 percent of the 2004 single-family attached CIF and approximately 22 percent of the current CIF. Additionally, the Goose Creek applicant does not offer an escalation from the time of the original zoning approval, further devaluing the proposed contribution.**

Additionally, staff notes that the original proffers associated with ZMAP 2002-0009, Goose Creek Preserve, specify an average capital facilities contribution for each market rate residential unit based on the original mix of single-family and multi-family units approved in 2004. The inclusion of a larger number of multi-family units in the original rezoning has already lowered the average per unit contribution for all units within Goose Creek Preserve when compared to the current proposal. The applicant does not propose an adjustment to the average capital facilities contribution for the larger project.

Staff reiterates that the proposed SFA units are expected to have a greater impact than the MF units specified in the original rezoning owing to both the difference in the type of units and the passage of time. Single-family attached units were not considered or reviewed during the original approval of ZMAP 2002-0009 for the project site. The proposal to base the capital facilities contribution on the 2004 capital intensity factors does not meet County policies and would result in a

deficit of approximately \$2,000,000 for County capital needs such as educational, public safety, recreational, public health, and government facilities. Staff recommends that the impacts on capital facilities of the proposed residential development be mitigated applying the current capital intensity factor for single-family attached units.

Unmet Housing Needs

In the first referral, staff stated that County policies promote the interspersion of affordable housing within neighborhoods, within communities, and throughout the County as part of new development and recommended that affordable dwelling units be interspersed throughout the project site.

Additionally, staff notes that on September 18, 2007, the Board of Supervisors adopted revised housing policies that recognize that unmet housing needs occur across a broad segment of the County's income spectrum and promote housing options for all people who live and/or work in Loudoun County (Revised General Plan, Chapter 2, Housing, text). Unmet housing needs are defined as the lack of housing options for households earning up to 100 percent of the Washington Metropolitan Area Median Income (AMI) (Revised General Plan, Glossary; & Chapter 2, Housing, Guiding Principles Policy 2). The current AMI for 2012 is \$107,500. Developers of residential and mixed-use projects in the County are encouraged to include funding commitments and proffers to fulfill unmet housing needs in their development proposals, recognizing that the largest segment of unmet needs is housing for incomes below 30 percent AMI (Revised General Plan, Chapter 2, Housing, Guiding Principles Policy 14). Plan policies also encourage the development of housing for special needs populations (low income residents, elderly residents requiring congregate care, disabled residents, and the homeless) as well as the application of universal design principles (Revised General Plan, Chapter 2, Housing, Guiding Principles Policies 8 & 11).

Analysis

The applicant proposes that ADUs not be required within the project site. Note 26 of Sheet 1 of the Concept Plan states that:

"Pursuant to Section 7-102(D) of the Revised 1993 Loudoun County Zoning Ordinance, no Affordable Dwelling Units are proposed on this site because the rezoning is being requested to redistribute existing units and does not result in an increase in the total number of residential units."

Staff notes that the proposal is not a redistribution of approved units but a change to the type of dwelling unit proposed within a defined project site. As such, it may be appropriate to apply the affordable dwelling unit requirements of the Zoning Ordinance to the development. Staff notes that the original rezoning contained provisions for the construction of ADUs throughout the entirety of the rezoned area.

Additionally, the proposed proffers for ZCPA 2012-0003 state that:

“Six and One-Quarter percent (6.25%) of the units constructed on the Property shall be Affordable Dwelling Units (ADU’s). The ADU’s shall be interspersed throughout the single family attached and multi-family residential units constructed on the Property and shall be constructed and offered for sale consistent with the provisions of Article 7 of the Zoning Ordinance.”

Staff notes the language conflicts with the Note 26 of Sheet 1 of the proposed concept plan. Additionally, the County requires that land development applications proposing more than 50 dwelling units with a density greater than one dwelling unit per acre must provide a certain percentage of affordable dwelling units (ADUs) (Revised General Plan, Chapter 2, Housing, Legislation Policy 1). The Loudoun County Zoning Ordinance requires 12.5 percent of the total number of single-family dwellings (market and ADU) to be provided as ADUs. The County’s ADU program enables eligible first-time homebuyers with moderate incomes ranging from 30 to 70 percent of the AMI the opportunity to purchase newly constructed or resale ADU units. County policies promote the interspersion of affordable housing within neighborhoods, within communities, and throughout the County as part of new development (Revised General Plan, Chapter 2, Housing, Legislation Policy 3). Policies encourage a variety of housing types, sizes, and innovative designs in addition to housing options that are appropriately located to support a balanced development program (Revised General Plan, Chapter 2, Guiding Principles Policies 6 & 7).

Staff recommends the applicant consider 12.5 percent of all dwellings, or 8 units, be constructed as ADUs within the project site.

Staff notes that ADUs as required by the Zoning Ordinance only address housing needs for households with incomes between 30 and 70 percent of the AMI. The Revised General Plan states that County policies and programs will focus on housing options for households earning up to 100 percent of the Washington Metropolitan AMI. Given that the Zoning Ordinance does not require ADUs for incomes below 30 percent AMI, staff notes that the largest segment of unmet housing needs in the County is for incomes below 30 percent AMI. In order to address the full spectrum of housing needs, staff recommends the applicant consider proffering cash contributions in order to better address the housing needs for those with incomes below 30 percent AMI, which is of particular need.

SUMMARY RECOMMENDATION

Staff recommends that the impacts on capital facilities of the proposed residential development be mitigated applying the current Capital Intensity Factor for single-family attached units. Additionally, staff recommends the applicant consider 12.5 percent of all dwellings, or 8 units, be constructed as ADUs within the project site and that the applicant consider the full spectrum of housing needs.

Until such time as capital facility impacts have been mitigated, staff cannot support the application.

cc: Julie Pastor, AICP, Director
Cynthia L. Keegan, AICP, Program Manager, Community Planning (via email)

Attachment: Capital Facilities Impact Analysis

County of Loudoun
Department of Planning
MEMORANDUM

DATE: June 5, 2012

TO: Jane McCarter, AICP, LEED AP, Project Manager
Land Use Review

FROM: Joe Gorney, AICP, LEED AP, Senior Planner
Community Planning

SUBJECT: ZCPA 2012-0003; Goose Creek Preserve, Section 2A

Executive Summary

The proposed zoning concept plan amendment would convert 64 multi-family (MF) (town over town) units to single-family attached (SFA) units with no change in density within a 4.49-acre portion of the previously approved Goose Creek Preserve (ZMAP 2002-0009). The proposal would reduce the multi-family units within Goose Creek Preserve by approximately 13 percent, increase the number of single-family attached units by the same amount, and decrease the amount of open space by 0.27 acres. Goose Creek Preserve would continue to offer a variety of housing types and lot sizes and would maintain more than 30 percent of the property as open space, in accordance with County policies.

However, the applicant proposes to apply the Capital Intensity Factor (CIF) for single-family attached units in effect at the time of approval for ZMAP 2002-0009, on July 6, 2004. The proposed capital facilities contribution for single-family attached units based on the 2004 CIF does not meet County policies. The single-family attached units introduce a different residential product type than were considered in the original rezoning and staff recommends that the impacts on capital facilities be mitigated applying the current Capital Intensity Factor for single-family attached units.

Additionally, staff recommends that site lighting and the interspersions of affordable housing be addressed.

Background

Brookfield Goose Creek Preserve LLC proposes a Zoning Concept Plan Amendment (ZCPA) to amend the previously approved Goose Creek Preserve (ZMAP 2002-0009) proffers and concept development plan to convert 64 multi-family (town over town) units to single-family attached units within a 4.49-acre portion of Land Bay IV. The property is zoned PD-H4 (Planned Development - Housing). No changes are proposed to the

zoning or density. ZMAP 2002-0009 encompasses approximately 163.4 acres and was approved for 500 dwellings and a density of approximately 3.06 dwelling units per acre. The site is located on the west side of Belmont Ridge Road (Route 659) and south of the Dulles Greenway (Route 267).

Planned Land Uses

The subject site is located within the Ashburn Community of the Suburban Policy Area and is designated as a Residential area (*Revised General Plan, Chapter 7, Planned Land Use Map*).

Existing Land Uses



Vicinity Map

The project site is currently vacant and is surrounded to the north, west, and south by other vacant portions of Goose Creek Preserve. Belmont Ridge Road is adjacent to the project site to the east. The area on the east side of Belmont Ridge Road is vacant. Some grading and utility construction is in process for the larger Goose Creek Preserve development.

LAND USE

The County's vision for the Suburban Policy Area is self-sustaining communities that offer a mix of residential, commercial, and employment use; a full complement of public services and facilities; amenities that support a high quality of life; and a design that conforms to the County's Green Infrastructure (*Revised General Plan, Chapter 6, Land Use Pattern and Design Policy 1*). The *Revised General Plan* designates the project area for Residential uses (*Revised General Plan, Chapter 7, Planned Land Use Map*). Residential Neighborhoods are to have a variety of housing types and lot sizes and are to be developed in accordance with design guidelines and performance standards for efficient site layout, a pedestrian-friendly scale, adequate open space (active, passive, and natural), and the protection and incorporation of the Green Infrastructure (*Revised General Plan, Chapter 6, Residential Neighborhoods, text*).

Analysis

The proposed zoning concept plan amendment would convert 64 multi-family (MF) (town over town) units to single-family attached (SFA) units. The resultant unit mix would include the following:

Unit Type	Number of Units	Percentage
Single-Family Detached	202	40.4%
Single-Family Attached (SFA) - Total	192	38.4%
• Duplex (SFA)	[86]	[17.2%]
• Alley Townhome (SFA)	[106]	[21.2%]
2/2 Townhouse (MF)	106	21.2%
Total	500	100.0%

The proposal would reduce the multi-family units within Goose Creek Preserve by approximately 13 percent. However, Goose Creek Preserve would continue to offer a variety of housing types and lot sizes.

Open Space

In Residential Areas, a mix of open space will be provided. This mix will include active and passive and/or natural open space areas as appropriate to the scale and location of the site (Revised General Plan, Chapter 6, Open Space Policy 1). Residential Neighborhoods will incorporate open space at a minimum of 30 percent of the gross acreage of the property (Revised General Plan, Chapter 6, Residential Neighborhoods Policy 3).

Analysis

ZMAP 2002-0009 included a community green of approximately 24,500 square feet (sf) (0.56 acres) within the subject site. The proposal would relocate the open space and reduce its size to approximately 12,800 sf (0.29 acres), a reduction of approximately 0.27 acres. The proposal would reduce the open space contained within Goose Creek Preserve from approximately 36.5 to 36.4 percent. Goose Creek Preserve would continue to maintain more than 30 percent of the property as open space.

DESIGN

Site Design

Residential Neighborhoods will exhibit the following design characteristics: compact site layout; pedestrian-scale streetscape; a predominantly interconnected street pattern with inter-parcel connections; a combination of neighborhood parks, squares, and greens located throughout the neighborhood within 1,500 feet of all residences; and a variety of lot sizes (Revised General Plan, Chapter 6, Residential Neighborhoods Policy 4). The functionality of the open space is important. Open space functions as the outdoor rooms of a community and plays a critical role in establishing community identity and facilitating social activities (Revised General Plan, Chapter 11, Residential Neighborhoods Design Guideline 1c).

Analysis

As noted above, a planned community green would be reduced in size to about 13,000 square feet. Notwithstanding the reduction, the proposed green would be located at the end of a block of single-family attached units and accessible by crosswalks and sidewalks. The green would be within approximately 200 feet of the furthest proposed multi-family units within the project site and would be able to serve other surrounding residences within Goose Creek Preserve. The green would help establish a community identity for Goose Creek Preserve and facilitate social activities.

Lighting

County policies call for appropriate lighting to achieve the following:

- Promote the use of lighting for convenience and safety without the nuisance associated with light pollution;
- Promote a glare-free environment through proper lighting performance standards to improve visibility and enhance public safety;
- Promote appropriate lighting standards to conserve energy; and
- Develop appropriate lighting standards to prohibit unnecessary and intrusive light trespass that detracts from the beauty and view of the night sky (*Revised General Plan, Chapter 5, Lighting and Night Sky Policy 1*).

Analysis

ZMAP 2002-0009 did not address site lighting. Staff recommends that the application be amended to address lighting within the project site and that the applicant commit to lighting that is downward directed, is fully shielded, does not result in glare to public rights-of-way or adjacent uses, and is confined to the site, and that illumination levels will be no greater than necessary for a light's intended purpose. All lighting should be mounted as low as practicable and designed and installed to preclude light trespass onto adjoining properties, glare to passersby, skyglow, and deterioration of the nighttime environment.

AFFORDABLE HOUSING

County policies promote the interspersation of affordable housing within neighborhoods, within communities, and throughout the County as part of new development (*Revised General Plan, Chapter 2, Legislation Policy 3*).

Analysis

Note 15 on Sheet 1 of ZMAP 2002-0009 states that Affordable Dwelling Units (ADUs) will be provided on-site as required under the Revised 1993 Zoning Ordinance and that Article 7 standards shall apply to the entire development. However, Sheet 26 of the proposed ZCPA states that “no Affordable Dwelling Units are proposed on this site because the rezoning is being requested to redistribute existing units and does not result in an increase in the total number of units.”

Staff recommends that affordable dwelling units be interspersed throughout the project site.

CAPITAL FACILITIES

Under the Revised General Plan, all residential rezoning requests will be evaluated in accordance with the Capital Facility guidelines and policies of the Plan (Revised General Plan, Chapter 3, Proffer Policy 3). The Revised General Plan calls for capital facilities contributions valued at 100 percent of capital facility costs per dwelling unit at densities above the specified base density (Revised General Plan, Chapter 11, Capital Facilities Guideline 1).

Analysis

The applicant proposes to apply the Capital Intensity Factor (CIF) for single-family attached units in effect at the time of approval for ZMAP 2002-0009, on July 6, 2004. Single-family attached units were not considered or reviewed during the original approval of ZMAP 2002-0009 for the project site. Additionally, the original proffers associated with ZMAP 2002-0009 specify an average capital facilities contribution for each market rate residential unit based on the mix of single-family and multi-family units approved in 2004. The inclusion of a larger number of multi-family units in the original rezoning lowered the average per unit contribution for all units within Goose Creek Preserve when compared to the current proposal.

The proposal introduces a different residential product type to the project with a greater impact than anticipated in the original rezoning due to the difference in the type of units and the passage of time. The proposed capital facilities contribution for single-family attached units based on the 2004 CIF does not meet County policies.

The capital facilities contribution for the proposed single-family attached units has been calculated applying the current CIF adopted by the Board of Supervisors in 2009 and the units were assessed at \$40,385 per unit. The total projected capital facilities impact for the proposed development of 64 market rate single-family attached units is estimated to be \$2,584,640 (see Attachment).

Staff recommends that the impacts on capital facilities of the proposed residential development be mitigated applying the current Capital Intensity Factor for single-family attached units.

SUMMARY RECOMMENDATION

The proposed changes to unit type, lot layout, and open space are in keeping with County policies. However, staff recommends that the impacts on capital facilities of the proposed residential development be mitigated applying the current Capital Intensity

Factor for single-family attached units. Additionally, staff recommends that the applicant address site lighting and affordable housing, as discussed above.

Staff is available to meet with the applicant to discuss these issues.

cc: Julie Pastor, AICP, Director
Cynthia L. Keegan, AICP, Program Manager, Community Planning (via email)
Attachment: Capital Facilities Impact Analysis


COUNTY OF LOUDOUN

DEPARTMENT OF BUILDING AND DEVELOPMENT

ZONING ADMINISTRATION REFERRAL

DATE: November 26, 2012

TO: Jane McCarter, Project Manager, Department of Planning

FROM: Rory L. Toth, Planner, Zoning Administration 

CASE NUMBER & NAME: ZCPA-2012-0003 Goose Creek Preserve
3rd Referral

TAX MAP NUMBER AND MCPI NUMBER: /78/////////7/ 154-37-0101

Staff has reviewed the referenced zoning concept plan amendment (ZCPA) application which includes the Department of Planning Memorandum transmittal sheet dated November 5, 2012, the Applicant's Statement of Justification dated February 2012, revised through November 2012, Letter from Michael Banzhaf dated November 2, 2012, Draft Proffer Statement dated November 2012 and the ZCPA Concept Development Plan (CDP) entitled Goose Creek Preserve Portion of Land Bay IV, prepared by Bowman Consulting dated February 2012, revised through November 6, 2012. The property is currently zoned PD-H4 (Planned Development-Housing-4), administered as R-8 (Single Family Residential) pursuant to the Affordable Dwelling Unit development option, under the Revised 1993 Loudoun County Zoning Ordinance (Zoning Ordinance). The Applicant is requesting a ZCPA to amend the Goose Creek Preserve ZMAP-2002-0009 proffers and CDP in order to convert 64 multi-family dwelling units designated as "MULTI-FAMILY TOWN/TOWN" on the CDP into 64 multi-family dwelling units, including revisions to open space and recreation amenities. Staff notes that the third submission referral was revised and is different compared to the previous two referrals which had proposed townhouse units on fee simple lots. Staff has the following comments on the proposal as outlined below.

A. CRITICAL ISSUES

1. **Article 8 Definitions. "Dwelling, Multi-Family."** Staff has concerns with the application moving forward as proposed and notes that the units proposed with the 3rd submission referral shown on Sheet 4 appear to be townhouse units versus multi-family units and do not meet the Article 8 definition of "dwelling, multi-family." Sections 1-103(B), 1-103(C) and Section 6-1209(I) of the Zoning Ordinance require that uses be in conformance with the Zoning Ordinance and any proffered conditions. Pursuant to Section 6-401(C), the Zoning Administrator has the power and authority to render decisions as to whether a specific proposed use, although not listed as permitted or allowed by special exception, is so substantially similar in substance and effect to a permitted use or a use allowed by SPEX, that it should be allowed as if expressly permitted or allowed by special exception. In this particular case, it is the Zoning Administrator's opinion that the units more closely resemble townhouses. To address this issue, the Applicant must provide a detailed floorplan of the proposed units on the

CDP so that Staff may review to determine if such units meet the regulations of the Zoning Ordinance. In addition, Staff recommends that the note below the "Potential Lots" exhibit on Sheet 4 be deleted as it is vague and not necessary.

B. ZONING COMMENTS

1. **Table 5-1102 Off-Street Parking. 1st Referral Previous Comment:** Pursuant to the off-street parking calculations listed in this Section, demonstrate on the CDP that the minimum number of 3.0 off-street parking spaces per townhouse unit is met. Delete the note at the bottom of the Parking Tabulation Table on Sheet 4 that references parking for town over town units. **2nd Referral Previous Comment:** Staff notes that the Applicant stated in their response at 2nd submission that Sheets 3 and 4 and the Layout Exhibit demonstrates potential off-street parking for townhouse units. However, the Layout Exhibit is illustrative in nature, is not proffered and does not demonstrate how 3.0 parking spaces per townhouse units are met. Also, the CDP was not revised to show 3.0 parking spaces for the townhouse units and still shows 2.5 spaces per unit. Revise the CDP accordingly. Staff notes that the Applicant's 3rd submission application has changed to propose multi-family units. The application must clarify the number of bedrooms in each unit as the required number of off-street parking spaces for multi-family units are based on the number of bedrooms. Demonstrate on the CDP that the minimum number of off-street parking spaces is provided pursuant to Table 5-1102 for the multi-family units.
2. **Section 7-102(D) and Section 7-103 (A) Affordable Dwelling Units.** Previous Comment: Staff notes that the proposal to change 64 multi-family units to 64 townhouse units is not a redistribution of existing units and does not qualify for the ADU exemption under Section 7-102(D). Therefore, the text of Section 7-103(A) applies and the minimum number of 12.5% of the 64 townhouse units must be provided as ADUs. Regarding Note #26 on Sheet 1, delete this note and revise it to state that 12.5% of the 64 proposed SFA units shall be ADUs as a result of ZCPA-2012-0003 and that the number, design and location of ADUs will be provided in accordance with Article 7 of the Zoning Ordinance. Staff notes that although the application does not result in an increase in the number of units for the development, Staff recommends that the proffers and CDP (i.e. Sheet 1, Note #23 and Sheet 4 ADU note above the parking tabulations table) be revised to clarify that a portion of the required 6.25% of ADUs that will be provided in the entire development will be provided in this Section of Goose Creek Preserve to provide housing opportunities for all prospective homebuyers.

C. CONCEPT DEVELOPMENT PLAN ISSUES and ZONING MODIFICATIONS

1. Given the design of the units appear to be more similar to and function as a townhouse, from a safety and vehicular circulation point of view, Staff does not support sole access for a dwelling unit on an alley with the other frontage on a green due to concerns with the difficulty that emergency vehicles and other larger vehicles (such as garbage, delivery and moving trucks) will have getting to and from the units. Lastly, due to the Applicant's modification request to go from a 15-foot front yard to a 10-foot front yard, it is noted that many units will have reduced front yards which could limit a homeowner's ability to

construct items like a deck because of the reduced yard and the regulations of Section 5-200 regarding permitted accessory uses in front yards are more restrictive than required rear yards.

D. ISSUES FOR CONSIDERATION SECTION 6-1211(E)

1. **Section 6-1211(E) (4).** Staff continues to question whether adequate capital facilities are provided with this application as the proposed units appear to be more similar to townhouse units, rather than multi-family units, and therefore have a greater fiscal impact on capital facilities than a multi-family unit. Staff maintains that the current CIFs adopted by the Board are more appropriate to offset the impact on schools, roads, parks and other capital facilities and recommends that the proposed proffer statement be revised and said figures be updated to reflect the current capital facility contributions.

E. PROFFERS


1. Staff suggests clarification as to whether 6.25% of ADUs for the 4.49 acre parcel will be provided or whether ADUs required and generated from other portions of the Goose Creek development will be located within the 4.49 acre portion of the property.
2. Staff continues to question whether adequate capital facilities are provided with this application as the proposed units appear to be townhouse units which have a greater fiscal impact on capital facilities than a multi-family unit. Staff is concerned as SFA units generate higher capital facility needs and impacts compared to multi-family units. Staff recommends that the proposed proffer be revised and said figures be updated to reflect the current capital facility contributions.

cc: Mark Stultz, Deputy Zoning Administrator
Susan Glass, Proffer Manager

COUNTY OF LOUDOUN

DEPARTMENT OF BUILDING AND DEVELOPMENT

ZONING ADMINISTRATION REFERRAL

DATE: August 23, 2012
TO: Jane McCarter, Project Manager, Department of Planning
FROM: Rory L. Toth, Planner, Zoning Administration 

CASE NUMBER & NAME: ZCPA-2012-0003 Goose Creek Preserve
2nd Submission

TAX MAP NUMBER AND MCPI NUMBER: /78/////////7/ 154-37-0101

Staff has reviewed the referenced zoning concept plan amendment (ZCPA) application which includes the Department of Planning Memorandum transmittal sheet dated July 24, 2012, the Applicant's Statement of Justification dated February 2012, revised through July 2012, the Applicant's Response to Referral Comments dated July 2012, Goose Creek Preserve Section IIA Layout Exhibit (Layout Exhibit) dated June 28, 2012, Draft Proffer Statement dated July 2012 and the ZCPA Concept Development Plan (CDP) entitled Goose Creek Preserve Portion of Land Bay IV, prepared by Bowman Consulting dated February 2012, revised through July 5, 2012. The property is currently zoned PD-H4 (Planned Development-Housing-4), administered as R-8 (Single Family Residential) pursuant to the Affordable Dwelling Unit development option, under the Revised 1993 Loudoun County Zoning Ordinance (Zoning Ordinance). The Applicant is requesting a ZCPA to amend the Goose Creek Preserve ZMAP-2002-0009 proffers and CDP in order to convert 64 multi-family dwelling units (town over town) into single family attached units, including revisions to open space and recreation amenities. The Applicant also requested 7 modifications to the Zoning Ordinance. Staff has the following comments on the proposal as outlined below.

A. ZONING ORDINANCE COMMENTS

1. **Section 3-508(C) Maximum Units per Building.** Previous Comment: *Staff notes that the proposed design of townhouse units on Sheets 6 and 8 have more than 8 dwelling units in a stick. Revise the CDP accordingly so there are no more than 8 units in a stick.* Comment not addressed. Staff notes that the Applicant provided a Layout Exhibit which shows 8 or less townhouse units in a stick, however, the CDP was not revised and the layout shown on the exhibit is not proffered. In addition, the Applicant's response at 2nd submission states that they propose more than 8 single family attached dwelling units will be connected. Please clarify. The Applicant has not demonstrated that the regulation of Section 3-508(C) is met. Revise the CDP accordingly.
2. **Section 5-900. Access and Setback for Specific Roads.** Previous Comment: *Pursuant to this Section of the Zoning Ordinance, Belmont Ridge Road (minor arterial) requires a 100 foot building setback and a 75 foot parking setback. Show the required 75 foot*

parking setback on the CDP. Comment not addressed. The 75-foot parking setback was not shown on the CDP from the ultimate ROW for Belmont Ridge Road.

3. **Table 5-1102 Off-Street Parking.** Previous Comment: *Pursuant to the off-street parking calculations listed in this Section, demonstrate on the CDP that the minimum number of 3.0 off-street parking spaces per townhouse unit is met. Delete the note at the bottom of the Parking Tabulation Table on Sheet 4 that references parking for town over town units.* Staff notes that the Applicant stated in their response at 2nd submission that Sheets 3 and 4 and the Layout Exhibit demonstrates potential off-street parking for townhouse units. However, the Layout Exhibit is illustrative in nature, is not proffered and does not demonstrate how 3.0 parking spaces per townhouse units are met. Also, the CDP was not revised to show 3.0 parking spaces for the townhouse units and still shows 2.5 spaces per unit. Revise the CDP accordingly.
4. **Section 7-102(D) and Section 7-103 (A) Affordable Dwelling Units.** Previous Comment: *Staff notes that the proposal to change 64 multi-family units to 64 townhouse units is not a redistribution of existing units and does not qualify for the ADU exemption under Section 7-102(D). Therefore, the text of Section 7-103(A) applies and the minimum number of 12.5% of the 64 townhouse units must be provided as ADUs. Regarding Note #26 on Sheet 1, delete this note and revise it to state that 12.5% of the 64 proposed SFA units shall be ADUs as a result of ZCPA-2012-0003 and that the number, design and location of ADUs will be provided in accordance with Article 7 of the Zoning Ordinance.* Staff notes that although the application does not result in an increase in the number of units for the development, Staff recommends that the proffers and CDP be revised to clarify that a portion of the required 6.25% of ADUs that will be provided in the entire development will be provided in this Section of Goose Creek Preserve to provide housing opportunities for all prospective homebuyers.

B. CONCEPT DEVELOPMENT PLAN ISSUES and ZONING MODIFICATIONS

1. Previous Comment: *Sheets 4 and 5 show numerous modifications that were approved with ZMAP-2002-0009. ZCPA-2012-0003 Sheet 5 shows that Section 2A is now subject to Alley Loaded Townhouse Unit zoning modifications received under ZMAP-2002-0009. Staff notes that Section 2A was not previously subject to the Alley Loaded Townhouse Unit modifications approved under ZMAP-2002-0009. Therefore, Staff notes that if the Applicant wishes to retain or revise any modifications to the Zoning Ordinance proposed for Section 2A with this application, the Applicant should clarify so in their Statement of Justification, revise the Zoning Ordinance regulations cited on Sheet 4 and Modification Tables/Exhibit on Sheet 5 and include the zoning modification(s) with this ZCPA application, as a different unit type is proposed with ZCPA-2012-0003 which necessitates review of the zoning modification. Otherwise, the current Zoning Ordinance regulations will apply. Staff can support the modification requests to Sections 3-509(C), 4-110(I)(2) and Section 7-803(C)(2)(a) as the general footprint of units from the previously approved ZMAP-2002-0009 has not changed and the character of development is in keeping with the design previously approved. However, please see additional comments regarding the remaining requested zoning modifications in Comment #2 below.*

2. Previous Comment: *On Sheets 6 and 8, it appears that a stick of townhouse units will not have frontage on a private street and will front on a green and have access only with an alley. An alley cannot serve as frontage for a townhouse unit as it is a secondary means of access. Revise Sheets 6 and 8 so that all townhouse units have frontage on a private street.* Comment not resolved as Sheets 6 and 8 still show a stick of townhouse units that appears to front on a green and only have frontage on an alley. The Article 8 definition of frontage and alley cannot be modified as Article 8 definitions cannot be modified. Label the private streets versus alleys on the CDP and the Layout Exhibit. Staff notes that the Applicant requested modifications to Sections 1-205(A), 3-511(A), 4-110(B) and 4-110(C) to permit frontage of units on open space or alleys. Staff does not support these modifications. Per the Zoning Ordinance and FSM, a townhouse unit may have its frontage via a private street but not an alley. From a safety and vehicular circulation point of view, Staff does not support sole access on an alley with the other frontage on a green due to concerns with the difficulty that emergency vehicles and other larger vehicles (such as garbage, delivery and moving trucks) will have getting to and from the units. Lastly, due to the Applicant's modification request to go from a 15-foot front yard to a 10-foot front yard, it is noted that many units will have reduced front yards which could limit a homeowner's ability to construct items like a deck because of the reduced yard and the regulations of Section 5-200 regarding permitted accessory uses in front yards are more restrictive than required rear yards.

C. ISSUES FOR CONSIDERATION SECTION 6-1211(E)

1. **Section 6-1211(E) (4).** Staff continues to question whether adequate capital facilities are provided with this application as the proposed townhouse units have a greater fiscal impact on capital facilities than a multi-family unit. In addition, Staff further notes that the Applicant states that they are proposing an increase in the per unit capital facility contributions for the townhouse dwelling units based on the 2004 Capital Intensity Factor (CIF) for SFA units that was in effect at the time of the approval of ZMAP-2002-0009. Staff is concerned with this statement as SFA units generate higher capital facility needs and impacts compared to multi-family units. It is also important to note that the Applicant references ZCPA-2011-0002 Broadlands South Section 200 and the CIFs used to calculate the contributions in that application and states that the current application is consistent with what was approved with ZCPA-2011-0002. Staff notes that the circumstances with ZCPA-2011-0002 are different than the current proposed application as it was the subject of a lawsuit and court settlement. Staff maintains that the current CIFs adopted by the Board are more appropriate to offset the impact on schools, roads, parks and other capital facilities and recommends that the proposed proffer statement be revised and said figures be updated to reflect the current capital facility contributions (\$40,385 per unit) for the 64 proposed SFA townhouse units.

D. PROFFERS

1. Regarding the Opening Paragraph, 8th Line, Staff suggests that the latest revision date of the CDP be added after the date February 14, 2012.
2. Regarding Proffer I.A, clarify what is meant by the term property as it appears to

reference the 73.4 acres and not 4.49 acre portion that is the subject of this ZCPA. Staff notes that numerous other proffers just reference the term "Property" and this term should be clarified to resolve these discrepancies. Please clarify. Also, Staff suggests clarification as to whether 6.25% of ADUs for the 4.49 acre parcel will be provided or whether ADUs required and generated from other portions of the Goose Creek development will be located within the 4.49 acre portion of the property.

3. Regarding Proffer V.A, it is noted that the Applicant stated in their second referral response that they were increasing their per unit contribution to the townhouse rate in effect at the time of approval for the project. This is not accurate as this number (\$8,984.04) is less than the contribution in 2004 dollars (\$9,360.02). In addition, Staff continues to question whether adequate capital facilities are provided with this application as the proposed townhouse units have a greater fiscal impact on capital facilities than a multi-family unit. In addition, Staff further notes that the Applicant states that they are proposing an increase in the per unit capital facility contributions for the townhouse dwelling units based on the 2004 Capital Intensity Factor for SFA units that was in effect at the time of the approval of ZMAP-2002-0009. Staff is concerned with this statement as SFA units generate higher capital facility needs and impacts compared to multi-family units. Staff recommends that the proposed proffer be revised and said figures be updated to reflect the current capital facility contributions (\$40,385 per unit) for the 64 proposed SFA townhouse units.

cc: Mark Stultz, Deputy Zoning Administrator
Susan Glass, Proffer Manager
Joe Gorney, Planner

COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
ZONING ADMINISTRATION REFERRAL

DATE: June 5, 2012

TO: Jane McCarter, Project Manager, Department of Planning

FROM: Rory L. Toth, Planner, Zoning Administration

RLT

CASE NUMBER & NAME: ZCPA-2012-0003 Goose Creek Preserve Section 2A 1st Submission

TAX MAP NUMBER AND MCPI NUMBER: /78/////////7/ 154-37-0101

Staff has reviewed the referenced zoning concept plan amendment (**ZCPA**) application which includes the Department of Planning Memorandum transmittal sheet dated April 6, 2012, the Applicant's Statement of Justification dated February 201 and the ZCPA Concept Development Plan (CDP) entitled Goose Creek Preserve Section 2A prepared by Bowman Consulting dated February 2012, revised through March 27, 2012. The property is currently zoned PD-H4 (Planned Development-Housing-4), administered as R-8 (Single Family Residential) pursuant to the Affordable Dwelling Unit development option, under the Revised 1993 Loudoun County Zoning Ordinance (Zoning Ordinance). The Applicant is requesting a ZCPA to amend the Goose Creek Preserve ZMAP-2002-0009 proffers and CDP in order to convert 64 multi-family dwelling units (town over town) into single family attached units, including revisions to open space and recreation amenities. Staff has the following comments on the proposal as outlined below.

A. ZONING ORDINANCE COMMENTS

1. **Section 3-508(C) Maximum Units per Building.** Staff notes that the proposed design of townhouse units on Sheets 6 and 8 have more than 8 dwelling units in a stick. Revise the CDP accordingly so there are no more than 8 units in a stick.
2. **Section 5-900. Access and Setback for Specific Roads.** Pursuant to this Section of the Zoning Ordinance, Belmont Ridge Road (minor arterial) requires a 100 foot building setback and a 75 foot parking setback. Show the required 75 foot parking setback on the CDP.
3. **Table 5-1102 Off-Street Parking.** Pursuant to the off-street parking calculations listed in this Section, demonstrate on the CDP that the minimum number of 3.0 off-street parking spaces per townhouse unit is met. Delete the note at the bottom of the Parking Tabulation Table on Sheet 4 that references parking for town over town units.
4. **Section 7-102(D) and Section 7-103 (A) Affordable Dwelling Units.** Staff notes that the proposal to change 64 multi-family units to 64 townhouse units is not a redistribution of existing units and does not qualify for the ADU exemption under Section 7-102(D). Therefore, the text of Section 7-103(A) applies and the minimum number of 12.5% of

the 64 townhouse units must be provided as ADUs. Regarding Note #26 on Sheet 1, delete this note and revise it to state that 12.5% of the 64 proposed SFA units shall be ADUs as a result of ZCPA-2012-0003 and that the number, design and location of ADUs will be provided in accordance with Article 7 of the Zoning Ordinance.

5. **7-803(E) Active Recreation.** Provide a table on the CDP demonstrating that the minimum active recreation space required by the Zoning Ordinance is provided.

B. CONCEPT DEVELOPMENT PLAN ISSUES and ZONING MODIFICATIONS

1. Sheets 4 and 5 show numerous modifications that were approved with ZMAP-2002-0009. ZCPA-2012-0003 Sheet 5 shows that Section 2A is now subject to Alley Loaded Townhouse Unit zoning modifications received under ZMAP-2002-0009. Staff notes that Section 2A was not previously subject to the Alley Loaded Townhouse Unit modifications approved under ZMAP-2002-0009. Therefore, Staff notes that if the Applicant wishes to retain or revise any modifications to the Zoning Ordinance proposed for Section 2A with this application, the Applicant should clarify so in their Statement of Justification, revise the Zoning Ordinance regulations cited on Sheet 4 and Modification Tables/Exhibit on Sheet 5 and include the zoning modification(s) with this ZCPA application, as a different unit type is proposed with ZCPA-2012-0003 which necessitates review of the zoning modification. Otherwise, the current Zoning Ordinance regulations will apply.
2. Under the Goose Creek Preserve Table on Sheet 4, draw a bubble around the Alley Townhome (SFA) count of 106 units as it is a revision that is proposed with the ZCPA application.
3. On Sheets 6 and 8, it appears that a stick of townhouse units will not have frontage on a private street and will front on a green and have access only with an alley. An alley cannot serve as frontage for a townhouse unit as it is a secondary means of access. Revise Sheets 6 and 8 so that all townhouse units have frontage on a private street.
4. Sheet 7 shows an area labeled "SWM Pond Amenity." Clarify how the residents of the development will utilize this area as Staff is concerned that a SWM pond is not an amenity that residents should utilize for recreation due to safety issues.

C. ISSUES FOR CONSIDERATION SECTION 6-1211(E)

1. **Section 6-1211(E) (4).** Staff questions whether adequate capital facilities are provided with this application as the proposed townhouse units have a greater fiscal impact on capital facilities than a multi-family unit. In addition, Staff further notes that the Applicant's Statement of Justification states that they are proposing an increase to the per unit capital facility contributions for the townhouse dwelling units based on the 2004 Capital Intensity Factor for SFA units that was in effect at the time of the approval of ZMAP-2002-0009. Staff is concerned with this statement as SFA units generate higher capital facility needs and impacts compared to multi-family units. In the form of a proffer, Staff recommends that such figures be updated to reflect the current capital facility contributions for the 64

proposed SFA townhouse units

D. PROFFERS

Staff notes that the Applicant has not provided a revised proffer statement with the specific language they wish the Board of Supervisors to consider and an opening paragraph with proffer language which states which proffers, modifications, exhibits and Letter of Clarification which will remain in full force and effect with respect to the subject property.

Pursuant to Section 6-1209(A), if there are any proffered conditions which the Applicant wishes to have considered with the application, they shall be submitted for staff review as part of the Applicant's response to the written report required by Section 6-1204(B). In no event shall the applicant's proposed statement of proffered conditions be submitted later than forty-five (45) calendar days prior to the scheduled public hearing before the Board of Supervisors. Nothing in this paragraph shall prevent the Board of Supervisors from approving an application subject to changes in proffers agreed to by an applicant at the public hearing so long as the change imposes a more restrictive standard and the ordinance adopted accurately reflects such changes.

Furthermore, pursuant to Section 6-1209(B), proffered conditions shall be signed by all persons having an ownership interest in the property and shall be notarized. Proffered conditions shall contain a statement that the owners voluntarily enter into the conditions contained therein.

The proffer statement must be written in a manner so that there is clarity in the proffers to allow for administration and enforcement. Pursuant to Section 6-1209(G), the Zoning Administrator shall be vested with all necessary authority on behalf of the Board of Supervisors to administer and enforce proffered conditions. Such authority shall include the ability to order, in writing, the remedy of any noncompliance with a proffered condition and the ability to bring legal action to ensure compliance including injunction, abatement, or other appropriate action or proceedings, as provided for in Section 6-500 of this Ordinance. Any person, group, company, or organization aggrieved by an interpretation of the Zoning Administrator may appeal such interpretation as defined by Section 6-1209(J) of this Ordinance.

cc: Mark Stultz, Deputy Zoning Administrator



**COUNTY OF LOUDOUN
PARKS, RECREATION AND COMMUNITY SERVICES
REFERRAL MEMORANDUM**

To: Jane McCarter, AICP, Department of Building and Development
MS#62

From: Mark A. Novak, ASLA, Chief Park Planner, Facilities Planning and Development **MS# 78**

CC: Diane Ryburn, Director
Steve Torpy, Deputy Director
James Potter, Chairman, PROS Board, Algonkian District
Rick Stone, PROS Board, Blue Ridge District
Derek Irelan, PROS Board, Open Space Member
Kenneth B. Scott, PROS Board, Open Space Member

Date: May 23, 2012

Subject: ZCPA 2012-0003 Goose Creek Preserve – Section 2A
Election District: Blue Ridge **Sub Planning Area:** Ashburn
MCPI # 154-37-0101

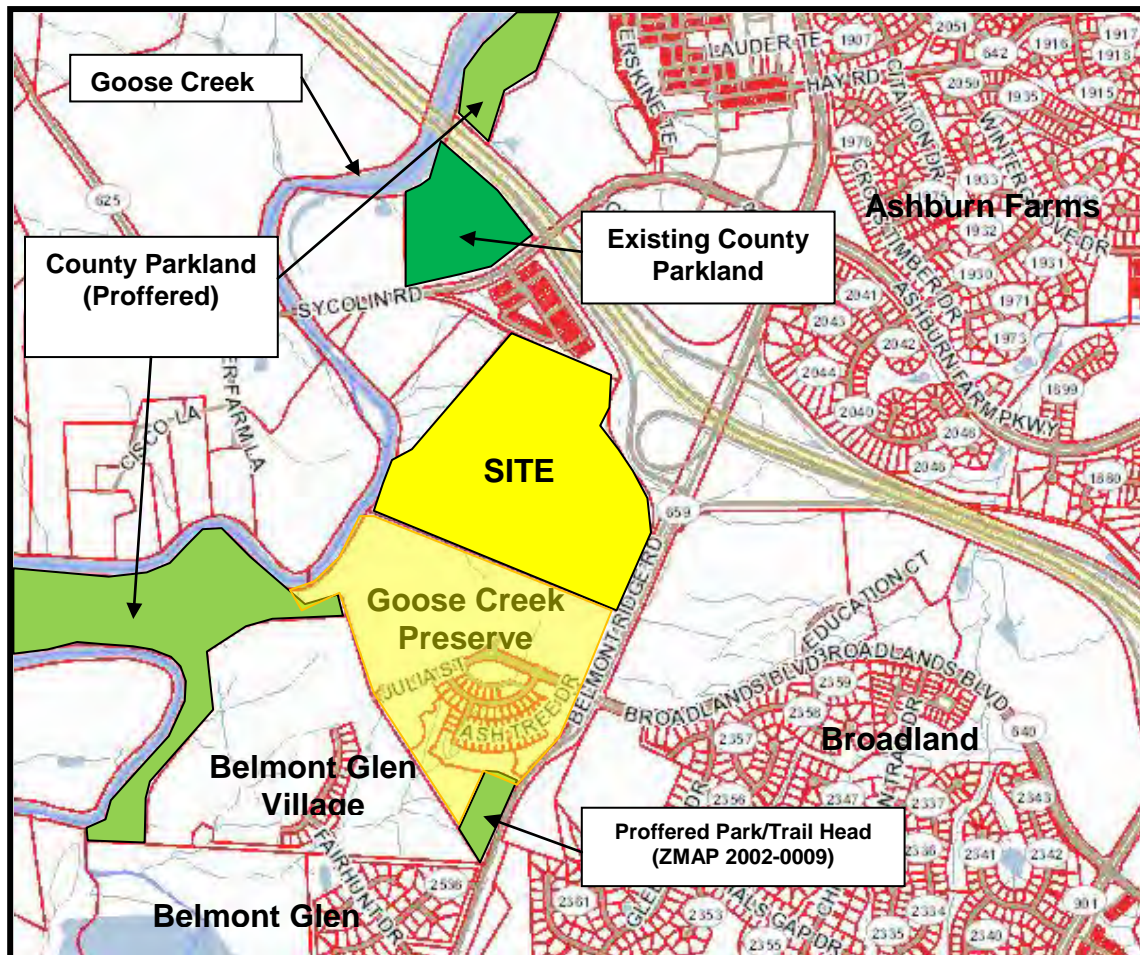
BACKGROUND:

On July 7, 2004, the Loudoun County Board of Supervisors approved the rezoning of approximately 164 acres of land known as Goose Creek Preserve to the PDH-4 Zoning District to provide for the development of a mixed use residential community located west of Route 659 (Belmont Ridge Road) between the Dulles Greenway to the north and Route 772 (Ryan Road) to the south. The property is immediately adjacent to Goose Creek and north of Beaverdam Reservoir. When developed, Goose Creek Preserve, now known as Goose Creek Estates, will consist of a mix of housing types that include front load single family detached units, rear load single family detached unit, duplex, townhouse, and multi-family units in a neo-traditional design. The Project will also include a variety of passive and active recreation uses/areas, a community center, Child Day Care Center and public park.

Under the Proffers dated July 7, 2004 Proffer *V.B.1.f Trailhead Community Park*, the Applicant is proffered to develop and dedicate to the County a 4 acre recreational

park to include: retention of existing tree canopy, pervious parking area to accommodate up to fifteen (15) cars, picnic areas, tot lot and pervious trails. Proffer V.E Goose Creek Trail, a fifteen-foot (15) wide easement along Goose Creek frontage of the Property (dedicate only).

Brookfield Goose Creek Preserve LLC proposes a Zoning Concept Plan Amendment application (ZCPA) to amend the approved Goose Creek Preserve (ZMAP 2002-0009) proffers and concept development plan to convert 64 multi-family (town over town) units to 16-foot wide and 18-foot wide single family attached residential units, including requisite revisions to open space and recreation amenities, for a 4.49 acre portion of Land Bay IV. *No change in density is proposed.* The Property is zoned PDH-4 and Section 2A is administered in accordance with the ADU R-8 provisions of the Loudoun County Zoning Ordinance. The Property is located in the Blue Ridge Election District.



LOCATION MAP

COMMENTS/RECOMMENDATIONS:

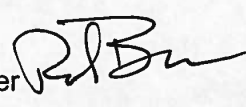
PRCS has reviewed the referenced application and would not be in objection to approval of the application as presented.

If you have any questions or concerns regarding these comments, please do not hesitate to contact me at 703-737-8992 or mark.novak@loudoun.gov.

County of Loudoun
Office of Transportation Services
MEMORANDUM

DATE: June 1, 2012

TO: Jane McCarter, Project Manager
Department of Planning

FROM: Robert S. Brown, AICP, Senior Transportation Planner 

SUBJECT: ZCPA 2012-0003 — Goose Creek Preserve
First Referral

Background

This Zoning Concept Plan Amendment (ZCPA) application seeks approval to amend the approved Goose Creek Preserve (ZMAP-2002-0009) proffers and concept development plan to convert 64 multi-family (town over town) units to 64 single family attached residential units. No change in density is proposed. A vicinity map is provided as **Attachment 1**.

The project site is zoned Planned Development–Housing 4 (PD-H4) and located on a 4.49-acre portion of Goose Creek Village Land Bay IV, along the western side of Belmont Ridge Road (VA Route 659) south of and adjacent to the Dulles Greenway (VA Route 267). Access is proposed via one site entrance off Belmont Ridge Road at a signalized intersection with Broadlands Boulevard.

This referral is based on Office of Transportation Services' (OTS') review of materials received from the Department of Planning on April 6, 2012, including: (1) a statement of justification, dated February 2012, (2) a traffic letter, prepared by Bowman Consulting, dated January 3, 2012, and (3) a ZCPA plat, dated February 2012, and last revised March 27, 2012.

Compliance with the Countywide Transportation Plan

The site is located in the Suburban Policy Area, within the Ashburn Community. OTS review of existing and planned transportation facilities is based on the Revised Countywide Transportation Plan (2010 CTP) and the Bicycle & Pedestrian Mobility Master Plan (2003 Bike & Ped Plan).

OTS' assessment of the transportation network is based on review of existing, planned and programmed transportation facilities, review of the Applicant's traffic assessment letter and applicable County policies.

Existing, Planned and Programmed Transportation Facilities

Roadways serving the site are described below. Descriptions for planned conditions of CTP roads are taken from Appendix 1 of the 2010 CTP; descriptions of planned bicycle and pedestrian facilities are taken from Appendix 6 of the 2010 CTP and the 2003 Bike & Ped Plan.

Belmont Ridge Road (VA Route 659) (segment between the Dulles Greenway (VA Route 267) and Croson Lane (VA Route 645) is classified as a major collector per the 2010 CTP. The segment of Belmont Ridge Road from just south of the Dulles Greenway to just south of Broadlands Boulevard is currently built as a four-lane divided controlled access urban collector (U4M). Additional widening to a U4M section from Broadlands Boulevard south to Truro Parish Drive is to be completed as part of private sector proffers, and per agreement with the Board of Supervisors is to be open to traffic by 2015. In its ultimate condition, Belmont Ridge Road is to remain a U4M section and be reclassified as a minor arterial, within a 150-foot ROW. The posted speed limit is 45 mph in the vicinity of the site. The 2010 AADT along Belmont Ridge Road just south of the Dulles Greenway, as reported by VDOT, is 8,600.

Belmont Ridge Road is referenced in the 2003 Bike & Ped Plan as a baseline connecting roadway along which bicycle and pedestrian facilities are envisioned. Furthermore Appendix 6 of the 2010 CTP calls for a 10-foot wide shared use path along one side and a 6-foot wide sidewalk along the other side of four-lane roadways. Goose Creek Preserve has proffered to construct a shared use along its frontage on the west side of Belmont Ridge Road south of Broadlands Boulevard.

Review of Applicant's Traffic Letter

The previously approved concept plan included up to 312 attached dwelling units (DU's) which were all analyzed in the Wells & Associates, LLC March 28, 2002 Traffic Impact Study (TIS) as Townhouse Units, using ITE Land Use Code 230. The ITE Land Use Code 230 is also used to analyze trip generation for Townhomes and produces a higher (more conservative) trip generation rate than the Land Use code for Apartments.

The January 3, 2012 traffic letter from Bowman Consulting therefore assumed that the proposed amendment (ZCPA-2012-0003) requesting a change from 64 town/town multifamily dwelling units (apartments) to 64 conventional single family attached (townhomes) DU's would have no impact on their previously approved TIS as the 2002 analysis already assumed a higher trip generation rate by using ITE's Townhouse Land Use Code 230. A copy of the Applicant's traffic letter (trip generation comparison) is provided as ***Attachment 2***.

Transportation Comments and Recommendations

OTS staff has reviewed the Applicant's submitted materials and has the following comments and recommendations:

1. The 2002 TIS used the ITE Land Use Code 230 (6th Edition) for all 312 DU's in their study. ITE's current Trip Generation Manual is the 8th Edition. A comparison was made between the results from the 6th and 8th ITE Editions. In the AM, trips generated are about the same for both editions; the total daily trips were slightly higher in the 6th Edition, and the PM trips generated in the 6th Edition were slightly lower than those generated using the 8th Edition. The overall impact on the 2002 study in comparing the ITE trips generated from the 6th to the 8th Edition was negligible.

Conclusion

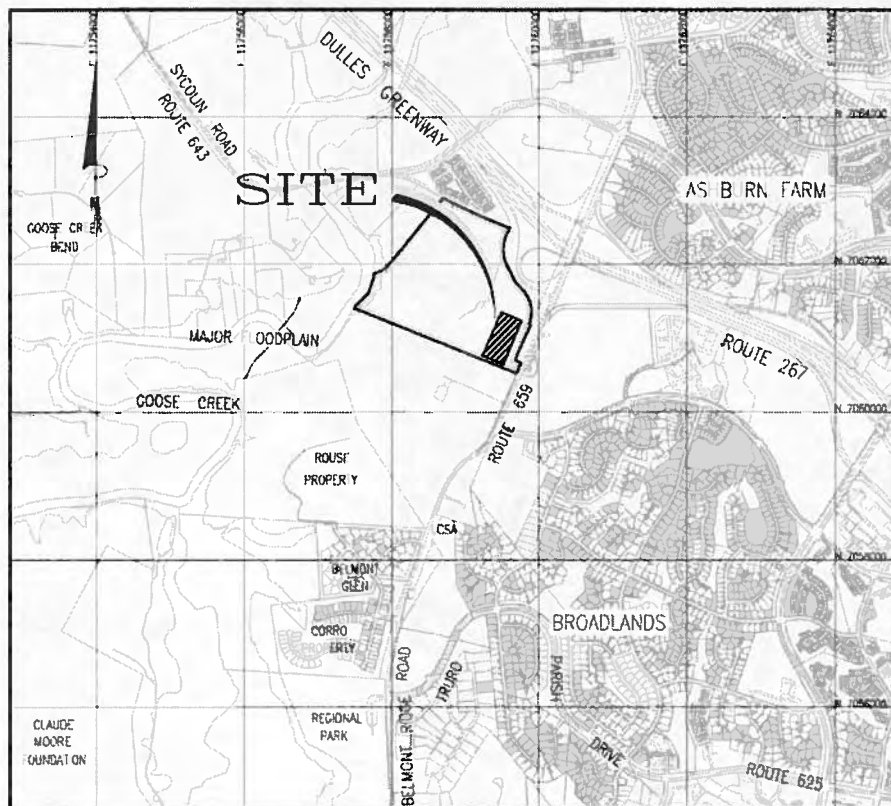
OTS has no objection to the approval of this application.

ATTACHMENTS

1. Site Vicinity Map
2. Applicant's Traffic Letter (1/3/12)

cc: Dale Castellow, Assistant Director, OTS
Lou Mosurak, Senior Coordinator, OTS

GOOSE CREEK PRESERVE
SECTION 2A
ZONING CONCEPT PLAN AMENDMENT
BLUE RIDGE ELECTION DISTRICT LOUDOUN COUNTY, VIRGINIA
ZCPA 2012-0003



VICINITY MAP
SCALE: 1"=1000'

1"=1000'

ATTACHMENT 1 – Site Vicinity Map

January 3, 2012

Aaron T. Zimmerman, PTP
Senior Transportation Planner
Loudoun County – Office of Transportation Services
1 Harrison Street, S.E.
Leesburg, Virginia 20177

**Re: Goose Creek Preserve ZCPA Application
Chapter 527 Applicability Determination
Loudoun County, Virginia**

Dear Mr. Zimmerman:

As requested, Bowman Consulting Group (BCG) has prepared a trip generation assessment in regards to the proposed Goose Creek Preserve Zoning Concept Plan Amendment (ZCPA) Application for the development located in Loudoun County, Virginia. It is our understanding that the development was previously zoned by Loudoun County and the applicant (Brookfield Homes) is now requesting to amend the concept plan to change 64 town/ town multifamily dwelling units (apartments) to 64 conventional single family attached (townhomes) dwelling units. The letter summarizes the results of the assessment to determine if the change in use would require a Chapter 527 traffic impact analysis (TIA).

The previously approved concept plan called for up to 312 attached dwelling units of various configurations (townhouse, apartments, etc). The Traffic Impact Study (TIS) that was prepared for the project by Wells & Associates, LLC on March 28, 2002 assumed that all 312 of the attached dwelling units were townhouse units.

Since the original TIS assumed that the 64 apartments subject to the ZCPA Application generated traffic as a townhouse, there would be no change to the number of trips generated by the approval of the ZCPA Application as shown in Table 1.

Also, a Chapter 527 Traffic Impact Analysis (TIA) is required when rezoning proposals for residential developments generate more than a certain number of vehicle trips. The 2011 General Assembly of Virginia amended the Code to raise the trip generation threshold to 5,000 vehicles per day to require a rezoning proposal to submit a Chapter 527 TIA. Effective December 31, 2011, proposals that generate less than 5,000 vehicles per day are exempt for submitting a TIA. The previous threshold for a residential TIA was 100 peak hour vehicle trips.

The trips that would be generated by the ZCPA Application were estimated using the Institute of Transportation Engineers' (ITE) Trip Generation, 8th Edition and are shown in Table 1.

Table 1 - Site-Trip Generation Analysis

				<u>Weekday</u>						
Land Use				<u>AM Peak Hour⁽¹⁾</u>			<u>PM Peak Hour⁽¹⁾</u>			<u>Daily Trips</u>
	Size	Units	Land Use Code	In	Out	Total	In	Out	Total	
Previously Approved Development ⁽²⁾										
Townhomes	64	D.U.	230	7	28	35	37	21	58	436
Proposed Development with ZCPA Application ⁽³⁾										
Townhomes	64	D.U.	230	7	28	35	37	21	58	436
Comparison (Proposed - Previously Approved)				0			0			0

Note: (1) Peak hour of generator rates/equations used.

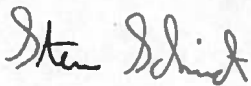
(2) Trips taken from Goose Creek Preserve Traffic Impact Study prepared by Wells & Associates, LLC dated March 28, 2002.

(3) Based on the Institute of Transportation Engineers Trip Generation, 8th Edition.

As shown on Table 1, since the original TIS assumed that all attached dwelling units were townhouses, the proposed change from 64 multifamily dwelling units to 64 townhomes would result in a net change of 0 trips during both peak hours and 0 daily trips. Therefore, a Chapter 527 Traffic Impact Analysis is not required with the proposal under either the prior thresholds or the new thresholds that became effective on December 31, 2011.

Should you have any questions or comments, please contact our office at (804) 616-3240.

Sincerely,
 BOWMAN CONSULTING GROUP, LTD.



Stephen O. Schmidt, EIT
 Transportation Project Engineer



LOUDOUN COUNTY, VIRGINIA
Department of Fire, Rescue and Emergency Management

803 Sycolin Road, Suite 104 Leesburg, VA 20175
Phone 703-777-0333 Fax 703-771-5359



Memorandum

To: Jane McCarter, Project Manager
From: Maria Figueroa Taylor, Fire-Rescue Planner
Date: June 12, 2012
Subject: Goose Creek Preserve
ZCPA 2012-0003

Thank you for the opportunity to review the above captioned application. The Fire and Rescue Planning Staff, in agreement with the Fire Marshal's Office, has no objection to the application as presented.

If you have any questions or need additional information, please contact me at 703-777-0333.

c: Project file



LOUDOUN COUNTY PUBLIC SCHOOLS
PLANNING AND LEGISLATIVE SERVICES

21000 Education Court
Ashburn, Virginia 20148
Telephone: 571-252-1050
Facsimile: 571-252-1101
Email: lcpsplan@lcps.org

August 8, 2012

Ms. Jane McCarter
County of Loudoun
Department of Planning
1 Harrison Street, SE (Mail Stop 62)
Leesburg, Virginia 20175

RE: ZCPA-2012-0003/Goose Creek Preserve

Dear Jane:

School Board staff has reviewed the second submission materials for the Goose Creek Preserve zoning concept plan amendment and offers no further comment from those originally conveyed on April 17, 2012. Should you require additional information, please contact me at your earliest convenience.

Sincerely,

Sam Adamo
Executive Director

c: Edgar B. Hatrick, Division Superintendent
Loudoun County School Board
(Site Location: Blue Ridge Election District)

cc: Sharon Ackerman
Mark Martin
Barbara Nichols
Dave Spang



LOUDOUN COUNTY PUBLIC SCHOOLS
PLANNING AND LEGISLATIVE SERVICES

21000 Education Court
Ashburn, Virginia 20148
Telephone: 571-252-1050
Facsimile: 571-252-1101
Email: lcpsplan@lcps.org

April 17, 2012

Ms. Jane McCarter
County of Loudoun
Department of Planning
1 Harrison Street, SE (Mail Stop 62)
Leesburg, Virginia 20175

RE: ZCPA-2012-0003/Goose Creek Preserve

Dear Jane:

School Board staff has reviewed the zoning concept plan amendment for Goose Creek Preserve. While the school impact of the currently approved residential units (202 single family detached, 128 single family attached, and 170 multifamily units) has been acknowledged with staff's original assessment of the overall Goose Creek Preserve rezoning, the present application seeking approval to convert 64 multifamily units to single family attached units does create a different impact regarding the anticipated number of school-age children ultimately residing within the development. A project assessment chart is attached and provides the operational and capital expenses associated with the residential unit proposal under consideration with this application.

The Loudoun County School Board is concerned about all land development applications. Capital facility expenditures and operational costs are significantly impacted by each approved residential project, and both can be anticipated to increase with each additional school-age child that resides in Loudoun County. Should you require further information, please contact me at your earliest convenience.

Sincerely,

Sam Adamo
Executive Director

Attachment

c: Edgar B. Hatrick, Division Superintendent
Loudoun County School Board
(Site Location: Blue Ridge Election District)



Loudoun County Public Schools

Department of Planning and Legislative Services

Project Assessment

Project Name: ZCPA-2012-0003/Goose Creek Preserve

2008 Virginia-County of Loudoun School Census Student Generation Factors		Housing Units	Elementary School Student Generation	Middle School Student Generation	High School Student Generation	Student Generation Total
Single Family Detached (SFD)	0.87	0	0	0	0	0
Single Family Attached (SFA)	0.51	64	16	8	9	33
Multifamily (MF)	0.26	(64)	(8)	(4)	(5)	(17)
Total Students		0	8	4	4	16

Capital Costs	Elementary School Cost (FY 2013 CIP)	Middle School Cost (FY 2013 CIP)	High School Cost (FY 2013 CIP)	Total Capital Expenditure
School Cost	\$28,820,000	\$45,300,000	\$90,240,000	
Capacity	875	1,350	1,800	
Per Pupil Cost	\$32,937	\$33,556	\$50,133	
Project's Capital Costs	\$258,227	\$123,484	\$224,597	\$606,308

Annual Operational Costs	FY 2012 Per Pupil Cost	Student Generation Total	Annual Operational Costs
	\$11,014	16	\$176,224

School Facility Information	Elementary School (Grades K-5)	Middle School (Grades 6-8)	High School (Grades 9-12)
2011-12 School Attendance Zone	Creighton's Corner	Stone Hill	Briar Woods
September 30, 2011 Student Enrollment	1037	1093	1762
2011-12 Building Program Capacity	875	1310	1855*

* Trailers are being used to provide temporary increases in building program capacity.

July 19, 2012

Jane McCarter, AICP
County of Loudoun
Department of Planning MSC # 62
1 Harrison Street, S.E.
P.O. Box 7000
Leesburg, Virginia 20177-7000

Re: Goose Creek Preserve
(1st Submission)
Loudoun County Application Number ZCPA 2012-0003

Dear Ms. McCarter:

We have reviewed the above noted applications as requested in your April 6, 2012 transmittal.
We have no objection to the approval of this application.

If you have any questions, please call me at (703) 259-2948.

Sincerely,

John Bassett, P.E.
Transportation Engineer

cc: Imad Salous, P. E.

Joe,

Thanks for the update on this project today. I recognize you are preparing a second referral this week. There is not adequate time for DFS to review the application. Upon reading your first referral, it appears that the main housing issue is the one we talked about this morning in terms of how Article 7 is applied. Since the units are going from multi-family to sfa, shouldn't the ADU requirement go up to 12.5%? I defer to Zoning on the interpretation and would be interested in hearing their position.

Sarah

Sarah Coyle Etro, AICP
Assistant Director
Loudoun County Department of Family Services
102 Heritage Way, N. E.
Leesburg, Virginia 20176-4544
703-777-0387

Note: The information contained in this message is intended for use by the individual to whom it is addressed and may contain information that is privileged and confidential. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you receive the communication in error, please notify the sender immediately.

From: Gorney, Joe
Sent: Monday, August 20, 2012 5:43 PM
To: Etro, Sarah
Cc: Keegan, Cynthia; Mccarter, Jane
Subject: Goose Creek Preserve

Sarah,

I have been assigned ZCPA 2012-0003, Goose Creek Preserve, for review. I previously completed a first referral on June 5, 2012. The second referral is due on 8/24/12. The project includes the conversion of 64 multi-family units to 64 single-family attached units. The primary outstanding issue associated with the project is the capital facilities contribution. The applicant proposes using the SFA impact factor that was in place at the time of the original rezoning. Please let me know if you would like to discuss this project. Thank you.

Joe Gorney

Joseph C. Gorney, AICP, LEED AP, Senior Planner
Loudoun County Department of Planning
1 Harrison Street SE, 3rd Floor, MS #62
PO Box 7000
Leesburg, Virginia 20177-7000
(Direct) 703-771-5103
(Front Desk) 703-777-0246
(Fax) 703-777-0441

From: Mark Peterson <goosecreekriver@yahoo.com>

Sent: Friday, June 15, 2012 10:38 AM

To: Rubis, Wini; Mccarter, Jane

Subject: Re: Goose Creek Preserve - ZCPA-2012-0003 application review

Ms. McCarter,

I apologize for the delay in responding. The Goose Creek Scenic River Advisory Committee has no comments regarding this application.

We continue to be appreciative of the opportunity to review land use applications that are located near the Goose Creek and have potential to impact the surrounding environment.

Mark Peterson

Chairman

From: "Rubis, Wini" <wini.rubis@loudoun.gov>

To: "GooseCreekRiver@yahoo.com" <GooseCreekRiver@yahoo.com>

Sent: Friday, April 6, 2012 11:21 AM

Subject: Goose Creek Preserve - ZCPA-2012-0003 application review

Dear Mark,

Attached for your review and comments on behalf of the Goose Creek River Advisory Board are the application information sheet (referral cover), statement of justification, and ZCPA plat for the proposed zoning concept plan amendment. Please let me know if you have any questions and thank you.

Wini Rubis

Wini Rubis, Planner

Department of Planning, MSC 62

Loudoun County, VA

PO Box 7000

Leesburg, VA 20177

703-737-8446 direct

703-777-0246 main

? please consider the environment before printing this e-mail.

MEMORANDUM



TO: Jane McCarter, Department of Planning (#62)

FROM: Larr Kelly, Zoning Division, Department of Building and Development (#60)

JEK

DATE: August 16, 2012

RE: Goose Creek Preserve: ZCPA 2012-0003

As requested, I have reviewed the draft proffers, dated July, 2012, for the above referenced Zoning Concept Plan Amendment application. Pursuant to this review, I offer the following comments:

1. In regard to the preamble, in the fourth line thereof, the applicant identifies 73.4 acres of real property as the "Property", and then goes on to state that only a 4.49 acre portion of the Property is the subject of ZCPA 2012-0003. However, in numerous places throughout the proffers the applicant refers to the Property and not to the 4.49 acres that are the subject of the application. If the property that is the subject of the application is only 4.49 acres, and not the 73.4 acres identified as the "Property", then the subsequent references to the "Property" will be ineffective to subject the "Property" to the proffers. I suggest that the applicant clarify their intent.
2. In further regard to the preamble, in the eighth line thereof, the applicant references a Concept Development Plan dated "February 14, 2012". However, the Concept Development Plan forwarded to me with this referral is dated "February, 2012" and has a final revision date of July 5, 2012. I suggest that the inconsistency be eliminated and that the last revision date also be cited.
3. In further regard to the preamble, in the eleventh line thereof, I suggest that the phrase "for ZMAP 2002-0009" be inserted following the phrase "the proffer statement".
4. In further regard to the preamble, in the thirteenth line thereof, I suggest that the word "Approved" be deleted. Additionally, in the fourteenth line of the preamble, I suggest that the parenthetical "('Approved Concept Development Plan') be inserted following the phrase "Concept Development Plan referenced in the Approved Proffers", in order to create the reference as a term of art.
5. In further regard to the preamble, in the twelfth line thereof, the applicant states that the Approved Proffers and Letter of Clarification are attached as Exhibit B. They were not attached and they will need to be included with the final version of the proffers.

-
6. In regard to proffer I.A., wherein the applicant refers to the "Property" as being subject to the new Concept Development Plan, I note that if only 4.49 acre portion of the Property is the subject of the ZCPA, I fail to see how the "Property" can be subjected to the Concept Development Plan. Additionally, the "Property", as defined, is only a portion of the total 163.4 acre land area that was the subject of the original Goose Creek Preserve re-zoning. Consequently, I do not believe that the "Property" can be developed with a maximum of 500 dwelling units. I suggest that the applicant clarify how the 4.49 acre portion of the land that was the subject of the original re-zoning (ZMAP 2002-0009) is going to be developed.
 7. In further regard to proffer I.A., I note that the proffer calls for 6.25% of the units constructed on the "Property" to be affordable dwelling units. It is not clear if this means 6.25% of the 73.4 acres identified as the "Property" or whether this is intended to mean 6.25% of the 4.49 acre portion of the property that is the subject of ZCPA 2012-0003. I also question whether the 4.49 acre portion of the Property is only going to have 6.25% of the units constructed thereon become ADUs, or whether additional ADUs, the requirement for which is generated by the entire Goose Creek Preserve development, are to be located within the 4.49 acre portion of the Property. I suggest that this be clarified.
 8. In regard to proffer I.D., which I note is specifically limited to the 4.49 acres that is the subject of ZCPA 2012-0003, it is specified that lighting on those 4.49 acres will be fully shielded and downward directed, and that the direct glare of the bulb will not be visible "beyond the property line of the 4.49 acre portion of the Property". This does not actually meet the County's standards, as the anti-glare provisions of the ordinance apply at the property line of each lot. Therefore, I suggest that this be amended to state that within the 4.49 acres that are the subject of ZCPA 2012-0003 the glare of the bulb shall not be visible beyond the property line of the lot on which it is located.
 9. In regard to proffer V.A., concerning capital facilities contributions, I note that in the applicant's response to staff's previous comments it was asserted that the applicant's intent was to "increase the per unit contribution to the townhouse rate in effect at the time of approval of the project." However, the Approved Proffers indicate that for each unit within the Goose Creek Preserve, the applicant is to contribute \$9,360.02 in 2004 dollars, whereas the current proposal is for the applicant to contribute \$8,986.04 in 2012 dollars. I fail to see how this can in any way be considered to be an "increase in the per unit contribution". It appears that in 2004 the applicant totaled the amount of capital facilities contributions for the entire project and divided it by the number of approved dwelling units. In this situation, the applicant appears to only be using the townhouse figures. If the intent is to increase the per unit contribution to the town house rate, then I suggest that the same methodology for calculating the per unit contribution that was used

to calculate the original per unit capital facilities contribution be used to calculate the current proposed per unit contribution with the different unit mix.

10. In further regard to proffer V.A., I note that the applicant states the intent to make the per unit contribution for each market rate unit built on the "Property". Again, the term "Property" is defined in the preamble as being 73.4 acres of land, when I believe the applicant intends for this proffer to only apply to the 4.49 acre portion of the property that is the subject of ZCPA 2012-0003. I suggest that this be clarified.
11. In regard to the last paragraph of the proffers, I again note that the applicant refers to the "Property" when I believe that the intent is to only reference the 4.49 acre portion of the Property. I suggest that the references to the "Property" be clarified.
12. These proffers will need to be signed by all landowners, and be notarized, prior to the public hearing on this application before the Board of Supervisors.



**Loudoun County, Virginia
Proffer Referral Team**

MEMORANDUM

DATE: June 25, 2012
TO: Jane McCarter, Project Manager
FROM: Proffer Referral Team
THROUGH: Daniel Csizmar, Capital Budget Manager
SUBJECT: ZCPA-2012-0003, Goose Creek Preserve

This memorandum is in response to your request for 1st referral comments regarding proffered capital facilities submitted as part of the zoning concept plan amendment application ZCPA-2012-0003, Goose Creek Preserve.

The intent of this 1st referral is to provide an overview of capital facility issues related to this application. Staff is assuming that because this is a request for 1st referral comments, there is no proffer language to review. If a draft proffer statement was intended for inclusion in the first referral packet, staff did not receive the proposed proffer statement, and therefore, did not have a chance to review or comment on any proposed proffer language.

The Goose Creek Preserve application proposes to change the makeup of housing units within the development according to the following table:

Housing Units	Approved	Revised	Change	Population Change
Single Family Attached	0	64	64	176
Multi-Family	64	0	(64)	(120)
TOTAL	64	64	0	56

There are a few items staff would like the Applicant to consider amending prior to the submission of the application for 2nd referral comments:

1. The change in the type of housing unit provided impacts the Applicant's capital facility contributions. The number of Single Family Attached Units (SFA) increases by 64 units. The current capital facility contribution per SFA unit equals \$40,385 in the Ashburn Planning Subarea of the County, where this application is located. Therefore, the Applicant should have to pay a capital facilities contribution of \$40,385 for each of the 64 additional SFA units developed as part of this application.
2. The total number of Multi-Family Housing Units (MF) decreases by 64 units. Therefore, the per unit capital facilities contribution established with the approval of ZMAP-2002-0009, Goose Creek Preserve, can be eliminated for each of the 64 MF units eliminated from the development. Please consult with Planning Services to determine the per unit capital facility contribution for each of the approved MF units established as part of the approval for ZMAP-2002-0009.
3. The number of SFA units is being increased in 2012. Therefore, the Applicant should pay all capital facilities contributions for increased SFA units based on 2012 rates, not 2004 rates. The impact of additional density added to the development should be based upon current capital intensity factor amounts and not the capital intensity factor in 2004 when the original Goose Creek Preserve was approved.
4. The Applicant is proposing to provide an increased number of SFA Units, which requires a higher number of Affordable Dwelling Units (ADU's) to be developed than MF units. The Revised 1993 Zoning Ordinance requires that 12.5% of all SFA within a development be provided as ADU's, while only 6.25% of MF units are provided as ADU's. The increase of 64 SFA units and corresponding decrease in MF units results in a net increase of 4 additional SFA ADU's to be developed within Goose Creek Preserve.

If you have any questions concerning this correspondence, please call me at (703) 771-5997.

Important! The adopted Affidavit and Reaffirmation of Affidavit forms shall not be altered or modified in any way. Any form that is altered or modified in any way will not be accepted.

REAFFIRMATION OF AFFIDAVIT

In reference to the Affidavit dated September 24, 2012
(enter date of affidavit)

For the Application Goose Creek Preserve, with Number(s) ZCPA 2012-0003
[enter Application name(s)] [enter Application number(s)]

I, Michael A. Banzhaf, do hereby state that I am an

(check one) Applicant (must be listed in Paragraph C of the above-described affidavit)
 X Applicant's Authorized Agent (must be listed in Paragraph C of the above-described affidavit)

And that to the best of my knowledge and belief, the following information is true:

(check one) I have reviewed the above-described affidavit, and the information contained therein is true and complete as of _____, or;
(today's date)

 X I have reviewed the above-described affidavit, and I am submitting a new affidavit which includes changes, deletions or supplemental information to those paragraphs of the above-described affidavit indicated below:

(Check if applicable)

 Paragraph C-1
 X Paragraph C-2
 X Paragraph C-3
 Paragraph C-4(a)
 Paragraph C-4(b)
 Paragraph C-4(c)

WITNESS the following signature:

Michael A. Banzhaf

check one: [] Applicant or [X] Applicant's Authorized Agent

Michael A. Banzhaf, Esq.

(Type or print first name, middle initial and last name and title of signee)

Subscribed and sworn before me this 27th day of November, 2012, in the State/Commonwealth of Virginia, in the County/City of Fairfax.

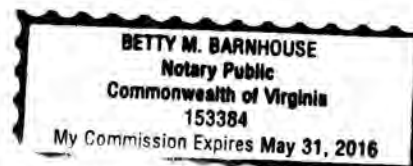
Betty M. Barnhouse

Notary Public

My Commission Expires: May 31, 2016

Notary Registration Number: 153384

Revised October 2008



I, Michael A. Banzhaf, do hereby state that I am an
 Applicant

X Applicant's Authorized Agent listed in Section C.1. below

in Application Number(s): ZCPA 2012-0003

and that to the best of my knowledge and belief, the following information is true:

C. DISCLOSURES: REAL PARTIES IN INTEREST AND LAND USE PROCEEDINGS

1. REAL PARTIES IN INTEREST

The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS** and **LESSEES** of the land described in the application* and if any of the forgoing is a **TRUSTEE**** each **BENEFICIARY** of such trust, and all **ATTORNEYS**, and **REAL ESTATE BROKERS**, and all AGENTS of any of the foregoing.

All relationships to the persons or entities listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together (ex. Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc.) For a multiple parcel application, list the Parcel Identification Number (PIN) of the parcel(s) for each owner(s).

PIN	NAME (First, M.I., Last)	ADDRESS (Street, City, State, Zip Code)	RELATIONSHIP (Listed in bold above)
	Brookfield Goose Creek Preserve, LLC <i>Agent: Richard J. Dengler</i>	8500 Executive Park Avenue Suite 300 Fairfax, VA 22031	Applicant
154-37-0101	Goose Creek Estates, LLC <i>Agent: Richard J. Dengler</i>	8500 Executive Park Avenue Suite 300 Fairfax, VA 22031	Title Owner
	Bowman Consulting Group <i>Agent: Packie E. Crown</i>	101 South Street, S.E. Leesburg, VA 20175	Agent
	Reed Smith LLP <i>Agent: Michael A. Banzhaf</i>	3110 Fairview Park Drive Suite 1400 Falls Church, VA 22042	Agent/Attorney

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** In the case of a TRUSTEE, list Name of Trustee, name of Trust, if applicable, and name of each beneficiary.

Check if applicable:

 There are additional Real Parties in Interest. See Attachment to Paragraph C-1.

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

Brookfield Goose Creek Preserve, LLC, 8500 Executive Park Avenue, Suite 300, Fairfax, VA 22031

Description of Corporation:

☒ *There are 100 or fewer shareholders and all shareholders are listed below.*

☐ *There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.*

☐ *There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

☐ *There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

Names of Shareholders:

<i>SHAREHOLDER NAME (First, M.I., Last)</i>	<i>SHAREHOLDER NAME (First, M.I., Last)</i>
Brookfield Washington, L.L.C., Member	

Names of Officers and Directors:

<i>NAME (First, M.I., Last)</i>	<i>Title (e.g. President, Treasurer)</i>

Check if applicable:

☐ There is additional Corporation Information. See Attachment to Paragraph C-2.

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

Brookfield Washington, L.L.C., National Corporate Research Ltd, 615 South Dupont Highway, Dover, DE 19901

Description of Corporation:

☒ *There are 100 or fewer shareholders and all shareholders are listed below.*

☐ *There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.*

☐ *There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

☐ *There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

Names of Shareholders:

<i>SHAREHOLDER NAME</i> <i>(First, M.I., Last)</i>	<i>SHAREHOLDER NAME</i> <i>(First, M.I., Last)</i>
Brookfield Homes Holdings, LLC	
Robert C. Hubbell	

Names of Officers and Directors:

<i>NAME</i> <i>(First, M.I., Last)</i>	<i>Title</i> <i>(e.g. President, Treasurer)</i>
Robert C. Hubbell	President
Richard J. Dengler	Vice President & C.O.O. Land Development
James T. Devine	Vice President & C.O.O. Housing
Kimberly Mackmim	Vice President, Finance & Secretary/Treasurer
John McDonough	Vice President, Custom Home Group
Dorothy E. Harper	Vice President, Active Adult

Check if applicable:

☐ There is additional Corporation Information. See Attachment to Paragraph C-2.

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

Brookfield Homes Holdings, LLC, 12865 Pointe Del Mar Way, Suite 200, Del Mar, CA 92014

Description of Corporation:

☒ *There are 100 or fewer shareholders and all shareholders are listed below.*

☐ *There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.*

☐ *There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

☐ *There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

Names of Shareholders:

SHAREHOLDER NAME <i>(First, M.I., Last)</i>	SHAREHOLDER NAME <i>(First, M.I., Last)</i>
Brookfield Homes (US), LLC	

Names of Officers and Directors:

NAME <i>(First, M.I., Last)</i>	Title <i>(e.g. President, Treasurer)</i>
Alan Norris	Manager & President
Craig Laurie	Manager, Chief Financial Officer & VP
R. Casey Schnoor	Vice President
Jessica Caldwell	Vice President & Assistant Treasurer
Shane Pearson	Vice President & Assistant Secretary
William Seith	Manager & Secretary

Check if applicable:

☐ There is additional Corporation Information. See Attachment to Paragraph C-2.

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

Brookfield Homes (US), LLC, 12865 Pointe Del Mar Way, Suite 200, Del Mar, CA 92014

Description of Corporation:

☒ *There are 100 or fewer shareholders and all shareholders are listed below.*

☐ *There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.*

☐ *There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

☐ *There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

Names of Shareholders:

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
Brookfield Residential Properties, Inc.	

Names of Officers and Directors:

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)
Alan Norris	Manager
Craig Laurie	Manager
William Seith	Manager

Check if applicable:

☐ There is additional Corporation Information. See Attachment to Paragraph C-2.

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

Brookfield Residential Properties, Inc., 4906 Richard Rd. SW, Calgary, Alberta T3E 6L1

Description of Corporation:

_____ *There are 100 or fewer shareholders and all shareholders are listed below.*

_____ *There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.*

_____ *There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

 X *There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

Names of Shareholders:

<i>SHAREHOLDER NAME</i> <i>(First, M.I., Last)</i>	<i>SHAREHOLDER NAME</i> <i>(First, M.I., Last)</i>

Names of Officers and Directors:

<i>NAME</i> <i>(First, M.I., Last)</i>	<i>Title</i> <i>(e.g. President, Treasurer)</i>
See Attached.	

Check if applicable:

 X There is additional Corporation Information. See Attachment to Paragraph C-2.

Brookfield Residential Properties, Inc.
Officers and Directors:

<i>NAME</i> <i>(First, M.I., Last)</i>	<i>Title</i> <i>(e.g. President, Treasurer)</i>
Robert L. Stelzl	Chair
Bruce T. Lehman	Director
Patricia M. Newson	Director
Alan Norris	Director
Timothy R. Price	Director
David M. Sherman	Director
Michael D. Young	Director
Alan Norris	President & CEO
Craig J. Laurie	Executive VP & CFO
David Harvie	Executive VP, Corporate Development
Michael Dutczak	Executive VP, Special Situations
Shane Pearson	VP & Corporate Counsel
Linda Northwood	Director, Investor Relations
Trent Edwards	COO, Alberta
Peter Nesbitt	COO, Eastern Region & Colorado
Adrian Foley	COO, California
David Allen	President, Calgary Land
Rich Westren	Senior Vice President, Edmonton Land
John Olson	President, Alberta Housing
Warren Paulsen	Vice President, Calgary Commercial
Sid Kerrigan	President, Ontario Housing
Shaun Cranston	Vice President, Austin
Tom Morton	Senior Vice President, Denver
Adrian Foley	President, Los Angeles
John Norman	Vice President, Sacramento
Stephen P. Doyle	President, San Diego
John J. Ryan	President, San Francisco
Richard T. Whitney	Sr. Vice President, Southern California Land
Robert Hubbell	President, Washington, D.C.

Check if applicable:

_____ There is additional Corporation Information. See Attachment to Paragraph C-2.

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

Goose Creek Estates, LLC, 10707 Clay Road, Houston, TX 77041

Description of Corporation:

☒ *There are 100 or fewer shareholders and all shareholders are listed below.*

☐ *There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.*

☐ *There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

☐ *There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

Names of Shareholders:

<i>SHAREHOLDER NAME (First, M.I., Last)</i>	<i>SHAREHOLDER NAME (First, M.I., Last)</i>
U.S. Home Corporation, Member	
Brookfield Washington, L.L.C., Member	

Names of Officers and Directors:

<i>NAME (First, M.I., Last)</i>	<i>Title (e.g. President, Treasurer)</i>

Check if applicable:

☐ There is additional Corporation Information. See Attachment to Paragraph C-2.

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

U.S. Home Corporation, 10230 New Hampshire Avenue, Suite 300, Silver Spring, MD 20903

Description of Corporation:

☒ *There are 100 or fewer shareholders and all shareholders are listed below.*

☐ *There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.*

☐ *There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

☐ *There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

Names of Shareholders:

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
Lennar Corporation	

Names of Officers and Directors:

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)
Diane Bessette	Director
Mark Sustana	Director
Jonathan Jaffe	President
Bruce Goss	Chief Financial Officer
David Collins	Vice President & Controller

Check if applicable:

☐ There is additional Corporation Information. See Attachment to Paragraph C-2.

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

Lennar Corporation, 700 Northwest 107th Avenue Miami, FL 33172-3154

Description of Corporation:

 There are 100 or fewer shareholders and all shareholders are listed below.

 There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

 There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

 X There are more than 500 shareholders and stock is traded on a national or local stock exchange.

Names of Shareholders:

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)

Names of Officers and Directors:

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)
Stuart A. Miller	CEO
Rick Beckwitt	President
Jonathan M. Jaffee	Vice President & COO
Bruce E. Gross	Vice President & CFO
Diane J. Bessette	Vice President & Treasurer
David Collins	Controller
Mark Sustana	Secretary & General Counsel
John R. Nygard, III	Chief Information Officer
Michael Petrolino	Vice President – Taxation
Kay L. Howard	Director – Communications
David J. Kaiserman	President, Lennar Ventures

Check if applicable:

 There is additional Corporation Information. See Attachment to Paragraph C-2.

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

Bowman Consulting Group, Ltd., 3863 Centerview Drive, Suite 300, Chantilly, VA 20151

Description of Corporation:

☒ There are 100 or fewer shareholders and all shareholders are listed below.

☐ There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

☐ There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

☐ There are more than 500 shareholders and stock is traded on a national or local stock exchange.

Names of Shareholders:

<i>SHAREHOLDER NAME</i> (First, M.I., Last)	<i>SHAREHOLDER NAME</i> (First, M.I., Last)
See Attached.	

Names of Officers and Directors:

<i>NAME</i> (First, M.I., Last)	<i>Title</i> (e.g. President, Treasurer)
Gary P. Bowman	President/Director
Michael G. Bruen	Vice President/Assistant Secretary/Director
Michael Birkland	Vice President/Director
Don Dillon	Vice President/Director
Robert A. Hickey	Secretary/Treasurer/Director
Patricia Hollar	Vice President/Director

Check if applicable:

☒ There is additional Corporation Information. See Attachment to Paragraph C-2.

Bowman Consulting Group, Ltd. – Stock Ownership	
Baker, Mark Birkland, Michael Blair, Jeffrey Bowman, Gary P. Bruen, Michael Crahan, Martin Crown, Jamie Dayton, Clifton Delgado, Scott Dillon, Don Fleming, Jessica L. Francis, Justin Francis, Spencer Frankenfield, David Hickey, Robert A. Hollar, Patricia Kack, Jason King, Mark Koshiol, Sherri Kraft, Jonathan Liam, Steven Lutostanski, John Mahlmann, Justin Massey, Clayton E. Mochi, Robert Palmer, Thomas R. Peterson, Troy Pointer, Michael Powell, Charles Quante, Patrick D. Sampsell III, Walt Sampsell Jr., Walter Stires, Mark Tanner, J. Thomas Tauscher, Matthew Troidl, Justin Walls, Charles Waugh, Roy Zdancewicz, Donald	

3. PARTNERSHIP INFORMATION

The following constitutes a listing of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in the affidavit.

Partnership name and address: (complete name, street address, city, state, zip)

Reed Smith LLP, 3110 Fairview Park Drive, Suite 1400, Falls Church, VA 22042

X (check if applicable) The above-listed partnership has no limited partners.

Names and titles of the Partners:

<i>NAME</i> <i>(First, M.I., Last)</i>	<i>Title</i> <i>(e.g. General Partner, Limited Partner, etc)</i>
See Attached.	

Check if applicable:

X Additional Partnership information attached. *See Attachment to Paragraph C-3.*

REED SMITH LLP

List of Partners

Abbott, Kevin C.	Cardozo, Raymond A.	Francis, Jr., Ronald L.	Iino, John M.
Abdalla, Tarek F.	Casdagli, Emma Francis	Frank, Ronald W.	Illouz, Stephane
Allen, Thomas L.	Cassidy, Peter J.	Freeman, Lynne P.	Ince, Thomas
Andrews, Alex T.	Charot, Benoit	Frenier, Diane M.	Innamorato, Don A.
Arnold, Roy W.	Cheung, Janet Bo Chun	Fritton, Karl A.	Jared, Cynthia
Atallah, Ana	Clark, II, Peter S.	Gabbert, Dale	Jaskot, Paul J.
Baker, Scott D.	Cobetto, Jack B.	Gallo, Frank J.	Jeffcott, Robin B.
Barber, William James	Cody, Daniel	Gasparetti, Lorenzo E.	Jenkinson, Andrew P.
Gresham	Cohen, David R.	Geist, Melissa	Jong, Denise
Barnes, James J.	Colen, Frederick H.	Gentile, Jr. Pasquale D.	Jordan, Gregory B.
Bartfield, Arnold L.	Colman, Abraham J.	Greenblatt, Lewis B.	Kabnick, Lisa D.
Bastier, Ellen L.	Conner, Walter	Green-Kelly, Diane	Karides, Constantine
Beale, Giles W.	Connoley, Mark F.	Greer, Amy	Kaufman, Marc S.
Begley, Sara A.	Connors, Eugene K.	Greeson, Thomas W.	Kaung, Alexander Wai Ming
Beilke, Michele J.	Convery, III, J. Ferd	Grellet, Luc	Kirk, Dusty Elias
Bell, Gordon F.	Cooper, Steven	Grignon, Margaret A.	Kirkpatrick, Stephen A.
Bernier, Maria N.	Cotler, Alan K.	Grimes, David M.	Klein, Murray J.
Bernstein, Leonard A.	Couste, Marina	Gross, Dodi Walker	Kohn, Steven M.
Bettino, Diane	Davies, Colleen T.	Guadagnino, Frank T.	Kozlov, Herbert F.
Bhattacharyya,	Davis, James M.	Gunn, Richard	Kramer, Ann V.
Gautam	Dermody, Debra H.	Gwynne, Kurt F.	Krasik, Carl
Bickham, J. David	DiFiore, Gerard S.	Hackett, Mary J.	Krebs-Markrich, Julia
Binder, Justus	Dilling, Robert M.	Halbreich, David M.	Kugler, Stefan L.
Binis, Barbara R.	Dillon, Lee Ann	Hansson, Leigh T.	Kwuon, Janet H.
Birt, Steven James	DiNome, John A.	Hardy, Peter	Lacy, D. Patrick Jr.
Blasier, Peter C.	Dittoe, John E.	Hargreaves, Philip M.	Lai, Ivy
Boehner, Russell J.	Doron, Uri	Hartley, Simon P.	Lasher, Lori L.
Bolden, A. Scott	Drew, Jeffery	Hartman, Ronald G.	Leech, Frederick C.
Bonessa, Dennis R.	Dubelier, Eric A.	Hasselman, Scot T.	Leiderman, Harvey L.
Booker, Daniel I.	Dumville, S. Miles	Hawley, Terence N.	Li, Lianjun
Borg, Christopher	Duronio, Carolyn D.	Healy, Christopher W.	Loepere, Carol C.
Boutcher, David J.	East, Lindsay T.	Heffler, Curt L.	Lo Vallo, Michael A.
Boven, Douglas G.	Ellis, Peter	Hemming, Seth M.	Lowenstein, Michael E.
Bovich, John P.	Ellison, John N.	Hewetson, Charles M.	Lyons, III, Stephen M.
Box, Mary	Epstein, Bette B.	Hill, Robert J.	Magera, George F.
Bradley, Patrick E.	Eskilson, James R.	Hill, Thomas E.	Mahone, Glenn R.
Brown, Andrew	Estrada, Edward J.	Hirsch, Austin L.	Maiden, Todd O.
Kenneth	Evagora, Kyri	Hitt, Leo N.	Mantell, Nanette W.
Brown, Charles A.	Fagelson, Ian B.	Ho, Delpha	Martin, James C.
Brown, Jon	Fawcett, David B.	Hofmeister, Jr., Daniel J.	Martini, John D.
Brown, Michael K.	Flatley, Lawrence E.	Honigberg, Carol C.	
Burroughs, Jr., Benton	Fogel, Paul D.	Hooper, John P.	
Cameron, Douglas E.	Fosh, Michael John	Houston, Marsha A.	
Cameron, Scott P.		Hultquist, James T.	
Caplan, Gary S.		Husar, Linda S.	
Carder, Elizabeth B.			

REED SMITH LLP – List of Partners (cont'd)

McAllister, David J. McCarroll, James C. McConnell, Stephen McDavid, George E. McGarrigle, Thomas J. McNair, James E. McNichol, Jr., William J. Mehfoud, Kathleen S. Melodia, Mark S. Metro, Joseph W. Miller, Edward S. Miller, Steven A. Min, Catharina Y. Moberg, Marilyn A. Mok, Kar Chung Morrison, Alexander David Munsch, Martha Hartle Napolitano, Perry A. Naugle, Louis A. Nelson, Jack R. Nicholas, Robert A. O'Brien, Kathyleen A. O'Donoghue, Cynthia O'Neil, Mark T. Paisley, Belinda L. Parker, Roger J. Patterson, Lorin E. Pearman, Scott A. Peck, Jr., Daniel F. Pedretti, Mark G. Pepper, Michael Ross David Petersen, Matthew Peterson, Kurt C. Philipps, Richard P. Phillips, Robert D. Phillips, Robert N. Pierre, Yvan-Claude J. Pike, Jon R. Poe, Alexandra Pollack, Michael B. Powell, David C. Pryor, Gregor Quenby, Georgia M. Quinn, Jonathan S. Radley, Lawrence J. Rahl, J. Andrew Raju, Ajay K. Rawles, Douglas C. Raymond, Peter D. Reed, W. Franklin	Reid, Graham M. Reinke, Donald C. Robinson, Richard A. Roche, Brian D. Rosen, Barry S. Rosenbaum, Joseph I. Rosenberg, Carolyn H. Roth, Robert A. Rowan, Vincent Rubenstein, Donald P. Ryan, Catherine S. Rydstrom, Kirsten R. Rymer, Philip R. Sanders, James L. Sanders, Michael Sauvage, Nicolas C. Schaffer, Eric A. Schatz, Gordon B. Schlecker, David M. Schlesinger, Matthew J. Schmarak, Bradley S. Schwartz, Wendy H. Scogin, Hugh T. Scott, Michael T. Seaman, Charles H. Sedlack, Joseph M. Shanus, Stuart A. Sharma, Asha Rani Shaw, Nick J. Shay-Byrne, Olivia Short, Carolyn P. Shugrue, John D. Siev, Jordan W. Sigelko, Duane F. Simons, Robert P. Singer, Paul M. Skrein, Michael P. Slater, Phillip B. Smersfelt, Kenneth N. Smith, John Lynn Smith, Robert M. Sollie, Kyle O. Sorensen, Anker Spafford, Richard A. Speed, Nicholas P.	Springer, Claudia Z. Stanley, David E. Stephenson, Leon Stewart, II, George L. Suddath, Thomas Suess, Philipp Swinburn, Richard G. Tandler, James R. Tashman, Matthew E. Taylor, Andrew D. Taylor, Philip M. Teare, Peter Terras, Alexander Thallner, Jr., Karl A. Thomas, Alexander Y. Thompson, David A. Thompson, Gary S. Tillman, Eugene Tocci, Gary M. Todd, Thomas Tompkins, Benjamin F. Unkovic, John C. Vishneski, John S. Vitsas, John L. Von Waldow, Arnd N. Wasserman, Mark W. Weiss, David E. Weissman, David L. Weissman, Sonja S. Weller, Charles G. Weyman, Mark L. Wilkinson, James F. Wilkinson, John NR Wolff, Sarah R. Wood, Douglas J. Wray, Richard K. Yam, Perry Yan, Betty Yan, Jay J. Yoo, Thomas J. Zaman, Peter Zoeller, Lee A. Zurzolo, Tracy L.	
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4. ADDITIONAL INFORMATION

- a. One of the following options **must** be checked:

☐ In addition to the names listed in paragraphs C. 1, 2, and 3 above, the following is a listing of any and all other individuals who own in the aggregate (directly as a shareholder, partner, or beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

☒ Other than the names listed in C. 1, 2 and 3 above, no individual owns in the aggregate (directly as a shareholder, partner, or beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

Check if applicable:

☐ Additional information attached. *See Attachment to Paragraph C-4(a).*

- b. That no member of the Loudoun County Board of Supervisors, Planning Commission, Board of Zoning Appeals or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land, or as beneficiary of a trust owning such land.

EXCEPT AS FOLLOWS: (If none, so state).

None.

Check if applicable:

☐ Additional information attached. *See Attachment to Paragraph C-4(b).*

- c. That within the twelve-month period prior to the public hearing for this application, no member of the Loudoun County Board of Supervisors, Board of Zoning Appeals, or Planning Commission or any member of his immediate household, either individually, or by way of partnership in which any of them is a partner, employee, agent or attorney, or through a partner of any of them, or through a corporation (as defined in the Instructions at Paragraph B.3) in which any of them is an officer, director, employee, agent or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has or has had any business or financial relationship (other than any ordinary customer or depositor relationship with a retail establishment, public utility, or bank), including receipt of any gift or donation having a value of \$100 or more, singularly or in the aggregate, with or from any of those persons or entities listed above.

EXCEPT AS FOLLOWS: (If none, so state).

None.

Check if applicable:

☐ Additional information attached. *See Attachment to Paragraph C-4(c).*

D. COMPLETENESS

That the information contained in this affidavit is complete, that all partnerships, corporations (as defined in Instructions, Paragraph B.3), and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, OR LESSEE of the land have been listed and broken down, and that prior to each hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including any gifts or business or financial relationships of the type described in Section C above, that arise or occur on or after the date of this Application.

WITNESS the following signature:

Michael A. Banzhaf

check one: ☐ Applicant or ☒ Applicant's Authorized Agent

Michael A. Banzhaf, Agent, Reed Smith LLP

(Type or print first name, middle initial and last name and title of signee)

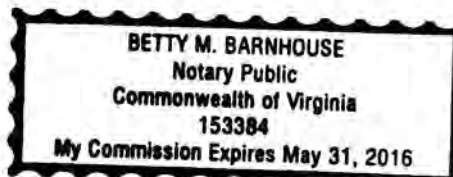
Subscribed and sworn before me this 27th day of November, 2012, in the State/Commonwealth of Virginia, in the County/City of Fairfax.

Betty M. Barnhouse

Notary Public

My Commission Expires: May 31, 2016

Notary Registration Number: 153384



**GOOSE CREEK PRESERVE
(ZCPA for a Portion of Land Bay IV)
ZCPA 2012-0003**

STATEMENT OF JUSTIFICATION

February 2012
Revised July 2012
Revised November 2012

BACKGROUND

On July 6, 2004, the Loudoun County Board of Supervisors approved ZMAP 2002-0009, the rezoning of approximately 164 acres of land known as Goose Creek Preserve (the "Project") to the PDH-4 Zoning District to permit development of a mixed use residential community located at the southwest quadrant of the Dulles Greenway and Belmont Ridge Road. When developed, Goose Creek Preserve, now known as Goose Creek Estates, will consist of a mix of housing types in a neo-traditional design that include front load single family detached units, rear load single family detached units, and duplex, townhouse, and multi-family units. The Project will include a variety of passive and active recreation uses/areas, a community center, child day care center and public park.

PROJECT OVERVIEW

Brookfield Goose Creek Preserve LLC (the "Applicant") hereby submits ZCPA 2012-0003, a Zoning Concept Plan Amendment application, for a 4.49 acre portion of Land Bay IV of the Goose Creek Preserve Concept Development Plan for ZMAP 2012-0003 (the "Property") to amend the approved Goose Creek Preserve (ZMAP 2002-0009) proffers and concept development plan to revise the design of 64 multi-family (town-over-town) units to 64 multi-family dwelling units configured as shown on the Concept Development Plan. The revised design incorporates townhouse elements, but is a multi-family product that requires at least two units to utilize a shared entrance, at least five dwelling units to be located on one parcel, and a portion of each dwelling unit to include a vertical overlap with an adjoining unit. Proffers for ZMAP 2002-0009 and for ZCPA 2012-0003 obligate the Applicant to pay the multi-family dwelling unit fee in effect at the time of approval of ZMAP 2002-0009 consistent with Zoning Ordinance Section 6.1511(C). ***No change in density or product type is proposed.*** The Property is more particularly described as a portion of Parcel 7 on LCTM 78 (MCPI# 154-37-0101). The Property is zoned PDH-4 and the Property is administered in accordance with the ADU R-8 provisions of the Loudoun County Zoning Ordinance. The Property is located in the Blue Ridge Election District.

US_ACTIVE-110886916.4

**MATTERS FOR CONSIDERATION
FOR A
ZONING CONCEPT PLAN AMENDMENT
REVISED 1993 ZONING ORDINANCE SECTION 6-1211(E)**

Matter 1. *Whether the proposed zoning district classification is consistent with the Comprehensive Plan.*

ZMAP 2002-0009, Goose Creek Preserve, was approved by the County in 2004 pursuant to Findings of Approval that the development is consistent with the policies of the Revised General Plan (RGP). Land Bay IV of Goose Creek Preserve is a portion of the approved development plan and consists of approximately 4.49 acre of Land Bay IV as shown on Sheet 5 of the approved Concept Development Plan for ZMAP 2002-0009. (See enclosed approved Proffers for Goose Creek Preserve-ZMAP 2002-0009). The Applicant is proposing to change the design of the multi-family dwellings constructed on the Property from Town-over-Town multi-family units to a modified design shown on the Concept Plan where at least two units would utilize a shared entrance, where at least five dwelling units would be located on one parcel, and where a portion of each dwelling unit would have a vertical overlap with an adjoining unit. No increase in density or change in dwelling unit type is requested with the proposed revised multi-family dwelling unit design. Consequently, the proposed use continues to be consistent with the land use policies of the RGP for this area of Loudoun County.

Section 6-1511(C) of the Zoning Ordinance provides if an approved development plan is amended, varied or altered, such change shall be reviewed pursuant to the procedures established by Section 6-1500 for its original approval. As noted above Goose Creek Preserve was approved July 6, 2004 subject to the proffer statement dated June 7, 2004, as amended by the letter of clarification dated June 29, 2004 and related Concept Development Plan that permitted development of up to 500 dwelling units in the following categories:

Single Family Detached Units	202 maximum
Duplex Units	86 maximum
Single Family Attached Units	42 maximum
Multi-Family Units	<u>170</u> maximum
Total	500 Units

Goose Creek Preserve
(ZCPA for a Portion of Land Bay IV)
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Revised November 2012

The Applicant's proposal revises the Concept Plan by changing the design of 64 town-over-town multi-family dwelling units to the design for the 64 multi-family dwelling units depicted on the Concept Plan and as described above. Because ZCPA 2012-0003 is governed by the procedures established by Zoning Ordinance Section 6-1500 et seq. for ZMAP 2002-0009, this application, ZCPA 2012-0003, is consistent with the Comprehensive Plan, and the capital facility payments and affordable dwelling unit requirements in effect at the time of approval of ZMAP 2002-0009 apply to ZCPA 2012-0003.

- Matter 2. *Whether there are any changed or changing conditions in the area affected that make the proposed rezoning appropriate.*

The Applicant does not propose a change in zoning.

- Matter 3. *Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity.*

Residential uses are currently approved for development on the Property. This Application does not propose a change in use. The proposed use is consistent with the unit type and density previously approved for Goose Creek Preserve.

- Matter 4. *Whether adequate utility, sewer and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned.*

The Applicant does not propose a change in zoning. Goose Creek Preserve, now known as Goose Creek Estates, is under development pursuant to the previously approved rezoning ZMAP 2002-0009, preliminary subdivision plan SBPL 2005-0005, and related grading and construction plans. Utilities have been extended to the Goose Creek Property. Pursuant to the approved Proffers for ZMAP 2002-0009, utilities will be extended to the subject Property.

Off-site and on-site transportation improvements are /will be constructed pursuant to the approved Proffers for ZMAP 2002-0009.

Capital facility contributions are proffered to off-set the impact of new school children that may reside in the Goose Creek Preserve units. Consistent with the Zoning Ordinance Section 5-1511(C), the Applicant is proposing to pay the same capital facility fee required by ZMAP 2002-0009.

- Matter 5. *The effect of uses allowed by the proposed rezoning on the County's ground water supply.*

Goose Creek Preserve
(ZCPA for a Portion of Land Bay IV)
ZCPA 2012-0003
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February 2011
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Revised November 2012

None. The Property is to be served with public water and sanitary sewer.

- Matter 6. *The effect of uses allowed by the proposed rezoning on the structural capacity of the soils.*

None. The zoning of the Property is approved and the Property is suitable for the proposed development.

- Matter 7. *The impact that the uses that would be permitted if the property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning uses sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas.*

The Applicant does not propose to change the pedestrian and vehicular transportation system that was approved to serve the Property. The proposed design change of 64 multi-family dwelling units will not have a negative impact of the trips generated for the Goose Creek Preserve development. Extensive off-site regional transportation improvements and on-site transportation improvements were previously proffered to be constructed. The proffered improvements are either in the process of being constructed or will be constructed as adjacent development occurs on-site.

- Matter 8. *Whether a reasonably viable economic use of the subject property exists under the current zoning.*

Not applicable. The current zoning is not being changed.

- Matter 9. *The effect of the proposed rezoning on the environment of natural features, wildlife habitat, vegetation, water quality and air quality.*

The Property is part of the Goose Creek Estates (Goose Creek Preserve) development. Extensive environmental and natural features in the areas adjacent to Goose Creek have been preserved as a result of the development of Goose Creek Estates. The Property does not contain any significant environmental or natural features that were designated to be preserved with the approval of ZMAP 2002-0009.

- Matter 10. *Whether the proposed rezoning encourages economic development activities in areas designated by the Comprehensive Plan and provides desirable employment and enlarges the tax base.*

Not applicable. The current zoning is not being changed.

Goose Creek Preserve
(ZCPA for a Portion of Land Bay IV)
ZCPA 2012-0003
Statement of Justification
February 2011
Revised July 2012
Revised November 2012

Matter 11. *Whether the proposed rezoning considers the needs of agriculture, industry, and businesses in future growth.*

Not applicable. The current zoning is not being changed.

Matter 12. *Whether the proposed rezoning considers the current and future requirements of the community as to land for various purposes as determined by population and economic studies.*

Not applicable. The current zoning is not being changed.

Matter 13. *Whether the proposed rezoning encourages the conservation of properties and their values and the encouragement of the most appropriate use of the land throughout the County.*

Not applicable. The current zoning is not being changed.

Matter 14. *Whether the proposed rezoning considers trends of growth or changes, employment, and economic factors, the need for housing, probable future economic and population growth of the county and the capacity of existing and/or planned public facilities and infrastructure.*

The Applicant is proposing to revise the design of 64 town-over-town multi-family residential units. The proposed redesigned multi-family dwelling units will be roughly the same size as the town-over-town multi-family units. Goose Creek Estates has been designed to offer residential units for a broad income spectrum of residents. The town-over-town multi-family units provided a slightly larger unit than a typical multi-family unit and provided a unit that would be attractive to a first-time home buyer or move-down buyer. The smaller redesigned multi-family dwelling units proposed to be constructed on the Property will also provide an entry level/move down product offering for residents of Loudoun County.

Matter 15. *The effect of the proposed rezoning to provide moderate housing by enhancing opportunities for all qualified residents of Loudoun County.*

See response to Matter 14 above.

Matter 16. *The effect of the rezoning on natural, scenic, archeological, or historic features of significant importance.*

None. The current zoning is not being changed.

**Goose Creek Preserve
(ZCPA for a Portion of Land Bay IV)
ZCPA 2012-0003
Statement of Justification
February 2011
*Revised July 2012
Revised November 2012***

ZONING MODIFICATIONS

As indicated on the concept development plan for ZCPA 2012-0003, the Applicant requests modification of several sections of the Zoning Ordinance in order to construct the proposed revised design of the 64 multi-family dwelling units consistent with the previously approved neo-traditional design of Goose Creek Preserve. Several of the requested modifications were previously approved with ZMAP 2002-0009. However, because the subject Property was previously approved for development of Town-over-Town multi-family units, some of (previously approved) zoning modifications do not currently apply for the redesigned multi-family product type.

CONCLUSION

The proposed amendments to the approved proffers and concept development plan for Goose Creek Preserve (ZMAP 2002-0009) are consistent with the policies of the Revised General Plan and the residential density currently approved for the subject portion of Land Bay IV of Goose Creek Preserve. Accordingly, the Applicant respectfully requests favorable recommendation by the Planning Commission and approval by the Board of Supervisors.

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November 27, 2012

Jane McCarter
Project Planner
COUNTY OF LOUDOUN
Department of Planning
1 Harrison Street, S.E., Third Floor
P. O. Box 7000
Leesburg, Virginia 20177-7000

RE: ZCPA 2012-0003; Goose Creek Preserve

Dear Jane:

The Applicant for the requested concept plan amendment has requested our firm to respond to referral comments by Comprehensive Planning, dated November 15, 2012, and Zoning Administration, dated November 26, 2012 as follows:

In general, Planning and Zoning Staff assert that the Applicant's proposed multifamily structure, where at least five units are located on one lot, does not conform with the Zoning Ordinance definition of a multifamily dwelling which is:

***Dwelling, Multi-Family:** A building containing five or more dwelling units not having a separate lot.*

Staff argues, if a structure resembles a townhouse, it must be treated as a townhouse. While the Zoning Ordinance delegates interpretative powers to the Zoning Administrator, the Ordinance does not delegate legislative powers. The Zoning Ordinance includes a townhouse among the several types of single family attached dwelling units defined in the Ordinance as follows:

***Dwelling, Single-Family Attached:** A duplex, triplex, quadruplex, or townhouse dwelling unit.*

Notably the Zoning Ordinance definitions state that listed types of single family attached dwelling units, such as a townhouse, each have a separate lot (see attached definitions). Notably the Ordinance clarifies that multifamily dwelling units do not have a separate lot.

Observing the clear distinction in the Zoning Ordinance between multifamily dwelling units, where at least five units are located on one lot, and a single family attached dwelling unit, where each unit is located on a separate lot, it is apparent that Staff's arguments are not supported by the Zoning Ordinance. While the Zoning Administrator may interpret "uses", there is no question that the proposed use of the portion of Land Bay IV was and is multifamily. Unlike other rezoning applications that seek

to convert a multifamily use to a single family attached use, this application proposes no change in zoning, use or density. The 4.49 acre portion of Land Bay IV that is the subject of ZCPA 2012-0003 was and is multifamily. There is no need to interpret a proposed use which is the same as the existing use.

Comprehensive Planning

Comment: *The application proposes residential development that essentially functions as single-family attached residential units despite an entrance that could possibly be shared by two units. As such, single-family attached capital intensity factors of \$40,385 per unit should be applied. Staff comments provided in the first and second referrals with respect to the application's inconsistency with the Revised General Plan continue to apply.*

Response: Loudoun County Revised General Plan policies support contribution of capital facility payments to off-set impacts based on changed product types. This application retains the multifamily dwelling unit product type. Since the application is not a rezoning and retains the multifamily product type it is appropriate to retain the capital facility payment structure approved when Goose Creek Preserve ZMAP 2002-0009 was approved. Zoning Ordinance Section 6-1511(C) states, "if an approved development plan is amended, varied or altered, such change shall be reviewed pursuant to the procedures established by this Section [6-1500 , Rezoning] for its original approval". Emphasis added. Had the current design been shown on the concept plan, no change to the proffered concept plan would be required. Merely changing the design of a multifamily dwelling unit does not support doubling capital facility payments.

Comment: *An unmet housing needs contribution of \$1,875.00 per unit is deemed appropriate.*

Response: Article 7 of the Zoning Ordinance exempts applications that do not propose an increase in density or a change in unit type. Accordingly, this application proposes to observe the Zoning Ordinance regulations and proffers in effect at the time of approval of ZMAP 2002-0009 consistent with Zoning Ordinance Section 6-1511(C).

Zoning Administration

Comment: *To address the issue of whether the proposed multifamily structure is in fact a multifamily dwelling unit, the applicant must provide a detailed floor plan of the proposed units.*

Response: The Zoning Ordinance does not delegate design review of multifamily dwelling units to staff. The Zoning Ordinance definition in Article 8 distinguish between multifamily dwelling units and single family attached dwelling units by whether each unit is located on a separate lot. If so, it is a single family attached dwelling unit. If not, it is a multifamily dwelling unit. No design review is required to make such a determination.

Table 5-1102 Off Street Parking

- Comment:** *Demonstrate on the CDP that the minimum number of off-street parking spaces is provided.*
- Response:** At site plan the Applicant will demonstrate that a sufficient number of parking spaces will be available to meet Zoning Ordinance parking requirements.
- Comment:** *Add a note to clarify that a portion of the required ADU's will be provided in this section of the project.*
- Response:** A note will be added to clarify the location of ADU's in the project will be consistent with approvals for ZMAP 2002-0009.
- Comment:** *Staff does not support sole access for a dwelling unit on an alley with frontage on a green.*
- Response:** A multifamily dwelling unit may be developed on one lot. Internal access on such lot does not impact rights-of-way providing access to the multifamily parcel.
- Comment:** *The modification from 15 to 10 feet for the multifamily front yard may limit a homeowner's ability to construct a deck.*
- Response:** The requested modification was previously approved with ZMAP 2002-0009. Per Section 6-1511(C) rules in effect at the time of the original rezoning continue to apply to development of a project.
- Comment:** *Staff maintains current CIFs should be applied to the project.*
- Response:** No rezoning or change of product type is proposed. Per Zoning Ordinance regulations, the procedures established by the original rezoning continue to apply to an approved Planned Development District project such as Goose Creek Preserve.
- Comment:** *Will 6.25% of ADU's be provided on the 4.49 acre parcel?*
- Response:** Yes.
- Comment:** *Staff questions whether adequate capital facilities are provided as SFA units generate higher capital facility impacts compared to multifamily units.*
- Response:** Since this application does not propose new single family attached dwelling units, payment of capital facilities in effect for multifamily dwelling units approved with ZMAP 2002-0009 is appropriate and consistent with state law as well as Section 6-1511(C) of the Zoning Ordinance.

Jane McCarter
November 27, 2012
Page 4

ReedSmith

The Planning Commission is respectfully requested to focus on the attached Zoning Ordinance definitions and recommend approval of the subject application that does not propose a rezoning or a change in density or product type. The proposal is merely a change in design of the previously approved 64 multifamily dwelling units approved in ZMAP 2002-0009 for the 4.49 acre portion of Land Bay IV.

Please let me know if you or Staff referral agents have additional questions about this application.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Mike", is written over the closing "yours,".

Michael A. Banzhaf

MAB:bb

Enclosure

Downstream Bedload Movement: Downstream movement of silt, sand, coarse-grained gravels and cobbles in a river or stream.

Driveway: A space or area specifically designated and reserved on a lot for the movement of vehicles within a lot or from a lot to a street.

Dustless Surface: A surface with a minimum of either two applications of bituminous surface treatment, concrete, bituminous concrete, or equivalent paving material approved by the County and to be maintained in good condition at all times.

Dwelling, Accessory: A dwelling or apartment within or detached from the principal dwelling of not more than the lesser of (i) 70% of the gross floor area of the principal structure and a footprint not more than 70% of the principal structure or (ii) 2,500 square feet of gross floor area, the use of which is associated with and subordinate to the principal dwelling and which is located upon the same lot as the principal dwelling.

Dwelling, Ancillary: A dwelling, the use of which is associated with and subordinate to the principal dwelling and which is located on the same lot as the principal dwelling.

Dwelling, Duplex: One of two buildings, arranged or designed as dwellings, located on abutting walls without openings and with each building having a separate lot with minimum dimensions required by district regulations.

Dwelling, Multi-Family: A building containing five or more dwelling units not having a separate lot.

Dwelling, Portable: A modular unit built on a chassis, having wheels or designed to be transported on wheels, with body width exceeding eight (8) feet or body length exceeding 32 feet and designed to be used as a dwelling when attached to a permanent foundation and when connected to the required utilities.

Dwelling, Quadruplex: One of four (4) buildings, arranged or designed as dwellings, located on abutting walls without openings and with each building having a separate lot, with minimum dimensions required by district regulations.

Dwelling, Single-Family Attached: A duplex, triplex, quadruplex, or townhouse dwelling unit.

Dwelling, Single Family Detached: A residential dwelling unit, other than a portable dwelling, designed for and occupied by one family only and not structurally connected or attached to any other dwelling.

Dwelling, Temporary: A portable dwelling, but not necessarily attached to a permanent foundation.

Dwelling, Townhouse: One of a group of three or more attached single-family dwelling units, separated from each other by continuous vertical party walls without openings for human passage or visibility from basement floor to roof, with no dwelling unit directly above another, and each unit having separate entrances from the outside.

Dwelling, Triplex: One of three (3) buildings, arranged or designed as dwellings, located on abutting walls without openings and with each building having a separate lot, with minimum dimensions required by district regulations.

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November 2, 2012

Jane McCarter
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COUNTY OF LOUDOUN
1 Harrison Street, S.E., Third Floor
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Leesburg, Virginia 20177-7000

Re: Goose Creek Preserve; ZCPA 2012-0003

Dear Jane:

In response to comments received to date concerning the amount of capital facilities and number of affordable dwelling units envisioned for the subject project, as well as concerns about units "fronting" upon a common open space area, the applicant has considerably simplified the application. The applicant proposes to continue to develop 64 multifamily dwelling units, including four affordable dwelling units upon the 4.49 acre portion of Goose Creek Preserve that is the subject of ZCPA 2012-0003. Instead of developing 64 town over town multifamily dwelling units, the applicant plans to develop 64 multifamily dwelling units designed consistent with the attached illustration as shown on the concept plan for ZCPA 2012-0003. The revised design includes multifamily dwelling units, where at least two units share a common entrance, where at least five units are developed on one parcel and where some portion of each dwelling units is located over a portion of an adjacent dwelling unit. See attached illustration.

The revised dwelling unit conforms with the Zoning Ordinance definition of a multifamily dwelling unit: "a building containing five or more dwelling units not having a separate lot." Nothing in the Zoning Ordinance precludes a developer from designing a multifamily structure to incorporate features of a townhouse. The size and function of the proposed multifamily dwelling unit is similar to the town over town multifamily dwelling unit permitted with ZMAP 2002-0009. Had the enclosed multifamily dwelling unit product type been included as a feature of the concept plan at the time of ZMAP 2002-0009, the product type would currently be permitted to be developed on the 4.49 acre portion of Goose Creek Preserve that is the subject of 2012-0003. The applicant has revised the ZMAP 2002-0009 concept plan to permit construction of the revised multifamily design.

Since no increase in density and no change in the product type is proposed by ZCPA 2012-0003, no change in the proffered capital facility fees or affordable dwelling unit obligations is required. This is not a rezoning application and, as a concept plan amendment, it is to be reviewed, consistent with Section 6-1511(C) of the Zoning Ordinance, pursuant to the procedures established for the original approval of ZMAP 2002-0009.

Jane McCarter
November 2, 2012
Page 2

ReedSmith

The enclosed materials have been prepared consistent with this letter to respond to staff comments received to date. Due to the simplification of ZCPA 2012-0003, the applicant requests scheduling the public hearing of the application before the Planning Commission at its December 19, 2012 meeting. Please let me know if you have questions about any of the enclosed materials.

Very truly yours,



Michael A. Banzhaf

MAB:bb

Enclosure

cc: Rick Dengler (w/enclosures)
Scott Gookin (w/enclosures)
Packie Crown (w/enclosures)

Goose Creek Preserve

Portion of Land Bay IV

(ZCPA 2012-0003)

- Response to Referral Comments -

July 2012

COMMUNITY PLANNING

(Comments dated June 5, 2012)

LAND USE

1. Comment:

Analysis

The proposed zoning concept plan amendment would convert 64 multi-family (MF) (town over town) units to single-family attached (SFA) units. The resultant unit mix would include the following:

Unit Type	Number of Units	Percentage
Single-Family Detached	202	40.4%
Single-Family Attached (SFA) - Total	192	38.4%
• Duplex (SFA)	[86]	[17.2%]
• Alley Townhome (SFA)	[106]	[21.2%]
2/2 Townhouse (MF)	106	21.2%
Total	500	100.0%

The proposal would reduce the multi-family units within Goose Creek Preserve by approximately 13 percent. However, Goose Creek Preserve would continue to offer a variety of housing types and lot sizes.

Response: In response to County Zoning Staff concerns about a multifamily dwelling unit designed to resemble a townhouse, ZCPA 2012-0003 proposes to substitute 64 single family attached dwelling units for 64 multifamily dwelling units. The resulting townhouse units will be 16 foot wide and 18 foot wide in order to provide units that are roughly equivalent in size and price to the previously approved Town over Town MF units. By so doing, the Applicant's objective of providing different size and priced units for a variety of customers is preserved.

GOOSE CREEK PRESERVE
PORTION OF LAND BAY IV
(ZCPA 2012-0003)
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2. Comment:

Analysis

ZMAP 2002-0009 did not address site lighting. Staff recommends that the application be amended to address lighting within the project site and that the applicant commit to lighting that is downward directed, is fully shielded, does not result in glare to public rights-of-way or adjacent uses, and is confined to the site, and that illumination levels will be no greater than necessary for a light's intended purpose. All lighting should be mounted as low as practicable and designed and installed to preclude light trespass onto adjoining properties, glare to passersby, skyglow, and deterioration of the nighttime environment.

Response: Lighting on the 4.49 acre portion of the property that is subject to ZCPA 2012-0003 (the "Property") will be installed in accordance with the Light and Glare Standards found in Section 5-1504 of the Zoning Ordinance. Notwithstanding, the Applicant has also proffered that all lighting installed on the Property will be fully shielded and downward directed so that the glare of the bulb is not visible beyond the property line of the Property.

DESIGN

3. Comment:

Analysis

As noted above, a planned community green would be reduced in size to about 13,000 square feet. Notwithstanding the reduction, the proposed green would be located at the end of a block of single-family attached units and accessible by crosswalks and sidewalks. The green would be within approximately 200 feet of the furthest proposed multi-family units within the project site and would be able to serve other surrounding residences within Goose Creek Preserve. The green would help establish a community identity for Goose Creek Preserve and facilitate social activities.

Lighting:

County policies call for appropriate lighting to achieve the following:

- Promote the use of lighting for convenience and safety without the nuisance associated with light pollution;
- Promote a glare-free environment through proper lighting performance standards to improve visibility and enhance public safety;
- Promote appropriate lighting standards to conserve energy; and
- Develop appropriate lighting standards to prohibit unnecessary and intrusive light trespass that detracts from the beauty and view of the night sky (Revised General Plan, Chapter 5, Lighting and Night Sky Policy 1).

Response: See response to Comment Number 2.

GOOSE CREEK PRESERVE
PORTION OF LAND BAY IV
(ZCPA 2012-0003)
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4. Comment:

Analysis

ZMAP 2002-0009 did not address site lighting. Staff recommends that the application be amended to address lighting within the project site and that the applicant commit to lighting that is downward directed, is fully shielded, does not result in glare to public rights-of-way or adjacent uses, and is confined to the site, and that illumination levels will be no greater than necessary for a light's intended purpose. All lighting should be mounted as low as practicable and designed and installed to preclude light trespass onto adjoining properties, glare to passersby, skyglow, and deterioration of the nighttime environment.

Response: *See response to Comment Number 2.*

AFFORDABLE HOUSING

5. Comment:

Analysis

Note 15 on Sheet 1 of ZMAP 2002-0009 states that Affordable Dwelling Units (ADUs) will be provided on-site as required under the Revised 1993 Zoning Ordinance and that Article 7 standards shall apply to the entire development. However, Sheet 26 of the proposed ZCPA states that "no Affordable Dwelling Units are proposed on this site because the rezoning is being requested to redistribute existing units and does not result in an increase in the total number of units."

Staff recommends that affordable dwelling units be interspersed throughout the project site.

Response: *Article 7 Affordable Dwelling Unit requirements do not apply to a project unless the project proposes an increase in density. No increase in density is proposed by ZCPA 2012-0003.*

CAPITAL FACILITIES

6. Comment:

Analysis

The applicant proposes to apply the Capital Intensity Factor (CIF) for single-family attached units in effect at the time of approval for ZMAP 2002-0009, on July 6, 2004. Single-family attached units were not considered or reviewed during the original approval of ZMAP 2002-0009 for the project site. Additionally, the original proffers associated with ZMAP 2002-0009 specify an average capital facilities contribution for each market rate residential unit based on the mix of single-family

GOOSE CREEK PRESERVE
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and multi-family units approved in 2004. The inclusion of a larger number of multi-family units in the original rezoning lowered the average per unit contribution for all units within Goose Creek Preserve when compared to the current proposal.

The proposal introduces a different residential product type to the project with a greater impact than anticipated in the original rezoning due to the difference in the type of units and the passage of time. The proposed capital facilities contribution for single-family attached units based on the 2004 CIF does not meet County policies.

The capital facilities contribution for the proposed single-family attached units has been calculated applying the current CIF adopted by the Board of Supervisors in 2009 and the units were assessed at \$40,385 per unit. The total projected capital facilities impact for the proposed development of 64 market rate single-family attached units is estimated to be \$2,584,640 (see Attachment).

Staff recommends that the impacts on capital facilities of the proposed residential development be mitigated applying the current Capital Intensity Factor for single-family attached units.

Response: The Applicant has proposed to substitute 64 townhouse units for 64 multifamily dwelling units designed to resemble townhouse units to address Zoning Staff's concern that multifamily dwelling units may not be designed to resemble townhouse units. Rather than pursue quasi-judicial remedies to challenge Zoning Staff's comments, the Applicant has filed ZCPA 2012-0003. The Applicant has proffered to increase the capital facilities payment for the 64 single family attached (townhouse) units to \$8,986.04 for each market rate residential unit constructed on the Property. The increased contribution is consistent with the capital facility guidelines in effect at the time of approval of ZMAP 2002-0009. The capital facility calculation is consistent with the approval by the Board of Supervisors of ZCPA 2011-0002, Broadlands South Section 200, that also revised a concept plan from multifamily dwelling units to single family attached dwelling units to accommodate concerns by County Zoning Staff.

DEPARTMENT OF FIRE, RESCUE AND EMERGENCY MANAGEMENT
(Comments dated June 12, 2012)

1. **Comment:** The Fire and Rescue Planning Staff has no comments.

Response: Comment acknowledged.

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PORTION OF LAND BAY IV
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GOOSE CREEK SCENIC RIVER ADVISORY COMMITTEE

(Comments dated June 15, 2012)

1. **Comment:** The Goose Creek Scenic River Advisory Committee has no comments.

Response: Comment acknowledged.

OFFICE OF TRANSPORTATION SERVICES

(Comments dated June 1, 2012)

1. **Comment:** The 2002 TIS used the ITE Land Use Code 230 (6th Edition) for all 312 DU's in their study. ITE's current Trip Generation Manual is the 8th Edition. A comparison was made between the results from the 6th and 8th ITE Editions. In the AM, trips generated are about the same for both editions; the total daily trips were slightly higher in the 6th Edition, and the PM trips generated in the 6th Edition were slightly lower than those generated using the 8th Edition. The overall impact on the 2002 study in comparing the ITE trips generated from the 6th to the 8th Edition was negligible.

Response: Comment acknowledged.

PARKS, RECREATION AND COMMUNITY SERVICES

(Comments dated May 23, 2012)

1. **Comment:** Parks, Recreation and Community Services have no comments.

Response: Comment acknowledged.

SCHOOLS

(Comments dated April 17, 2012)

1. **Comment:** The present application seeking approval to convert 64 multifamily units to single family attached units does create a different impact regarding the anticipated number of school-aged children ultimately residing within the development.

The Loudoun County School Board is concerned about all land development applications. Capital facility expenditures and operational costs are significantly

GOOSE CREEK PRESERVE
PORTION OF LAND BAY IV
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impacted by each approved residential project, and both can be anticipated to increase with each additional school-age child that resides in Loudoun County.

Response: See response to Community Planning Comment #6 above.

ZONING

(Comments dated June 5, 2012)

A. ZONING ORDINANCE COMMENTS

1. **Comment:** Section 3-508(C) Maximum Units per Building. Staff notes that the proposed design of townhouse units on Sheets 6 and 8 have more than 8 dwelling units in a stick. Revise the CDP accordingly so there are no more than 8 units in a stick.

Response: Sheets 6 and 8 provide illustrative drawings of the proposed layout for the Property. The Applicant proposes that more than eight single family attached dwelling units will be connected. The attached "Goose Creek Preserve Layout Exhibit for Section IIA, prepared by Bowman Consulting, dated June 28, 2012,(the "Goose Creek Preserve Layout Exhibit") illustrates the Applicant's planned conformance with the zoning ordinance standards for maximum number of units in a stick.

2. **Comment:** Section 5-900. Access and Setback for Specific Roads. Pursuant to this Section of the Zoning Ordinance, Belmont Ridge Road (minor arterial) requires a 100 foot building setback and a 75 foot parking setback. Show the required 75 foot parking setback on the CDP.

Response: Sheet 3 of 8 of the ZCPA 2012-0003 plan set incorporates the proffered 100 foot minimum setback along Belmont Ridge Road. This setback is located outside the subject Property and, pursuant to the original proffers (which are not proposed to be revised), will be planted as a landscape buffer. The Property fronts on an internal private street that is located beyond the 100 foot buffer. See Concept Development Plan.

3. **Comment:** Table 5-1102 Off-Street Parking. Pursuant to the off-street parking calculations listed in this Section, demonstrate on the CDP that the minimum number of 3.0 off-street parking spaces per townhouse unit is met. Delete the note at the bottom of the Parking Tabulation Table on Sheet 4 that references parking for town over town units.

Response: See the attached Goose Creek Preserve Layout Exhibit and Sheets 3 and 4 of the ZCPA Concept Plan.

**GOOSE CREEK PRESERVE
PORTION OF LAND BAY IV
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4. **Comment:** Section 7-102(D) and Section 7-103 (A) Affordable Dwelling Units. Staff notes that the proposal to change 64 multi-family units to 64 townhouse units is not a redistribution of existing units and does not qualify for the ADU exemption under Section 7-102(D). Therefore, the text of Section 7-103(A) applies and the minimum number of 12.5% of the 64 townhouse units must be provided as ADUs. Regarding Note #26 on Sheet 1, delete this note and revise it to state that 12.5% of the 64 proposed SFA units shall be ADUs as a result of ZCPA-2012-0003 and that the number, design and location of ADUs will be provided in accordance with Article 7 of the Zoning Ordinance.

Response: Code of Virginia Section 15.2-2305 permits a zoning ordinance to include provisions for affordable dwelling unit ordinances based on an increase in density. Consistent with state enabling authority, Section 7-102(B) of the Revised 1993 Zoning Ordinance limits affordable dwelling unit requirements to "Any request for a Concept Development Plan (CDP) Amendment involving the rezoning of land within a mixed use planned development district, or zoning amendment which requires a rezoning plat, that results in an increase in the total number of residential units". Emphasis added. No increase in density is proposed by ZCPA 2012-0003.

5. **Comment:** 7-803(E) Active Recreation. Provide a table on the CDP demonstrating that the minimum active recreation space required by the Zoning Ordinance is provided.

Response: See Sheets 3 and 4 of the ZCPA Plan Set.

B. CONCEPT DEVELOPMENT PLAN ISSUES and ZONING MODIFICATIONS

1. **Comment:** Sheets 4 and 5 show numerous modifications that were approved with ZMAP-2002-0009. ZCPA-2012-0003 Sheet 5 shows that Section 2A is now subject to Alley Loaded Townhouse Unit zoning modifications received under ZMAP-2002-0009. Staff notes that Section 2A was not previously subject to the Alley Loaded Townhouse Unit modifications approved under ZMAP-2002-0009. Therefore, Staff notes that if the Applicant wishes to retain or revise any modifications to the Zoning Ordinance proposed for Section 2A with this application, the Applicant should clarify so in their Statement of Justification, revise the Zoning Ordinance regulations cited on Sheet 4 and Modification Tables/Exhibit on Sheet 5 and include the zoning modification(s) with this ZCPA application, as a different unit type is proposed with ZCPA-2012-0003 which necessitates review of the zoning modification. Otherwise, the current Zoning Ordinance regulations will apply.

GOOSE CREEK PRESERVE
PORTION OF LAND BAY IV
(ZCPA 2012-0003)
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Response: The Applicant has clarified in the Statement of Justification that the below listed design modifications are hereby requested to be approved and/or restated for the Property in order to implement the neo-traditional design concept for Goose Creek Preserve:

Zoning Ordinance Section 1-205(A) to permit frontage of lots on open space and access to lots from rear alleys;

Zoning Ordinance Sections 3-509(C) and 4-110(I)(2) to eliminate the 50' Type 2 buffer requirement between internal single family attached and residential landbays;

Zoning Ordinance Section 3-511(A), 4-110(B) and 4-110(C) to permit frontage of lots on open space and permit single family attached units for private streets/alleys; and,

Zoning Ordinance Section 7-803(C)(2)(a) to reduce the minimum front yard from 15' to 10'.

2. **Comment:** Under the Goose Creek Preserve Table on Sheet 4, draw a bubble around the Alley Townhome (SFA) count of 106 units as it is a revision that is proposed with the ZCPA application.

Response: See Concept Development Plan.

3. **Comment:** On Sheets 6 and 8, it appears that a stick of townhouse units will not have frontage on a private street and will front on a green and have access only with an alley. An alley cannot serve as frontage for a townhouse unit as it is a secondary means of access. Revise Sheets 6 and 8 so that all townhouse units have frontage on a private street.

Response: The concept plan has been revised to provide private street access to all units.

4. **Comment:** Sheet 7 shows an area labeled "SWM Pond Amenity." Clarify how the residents of the development will utilize this area as Staff is concerned that a SWM pond is not an amenity that residents should utilize for recreation due to safety issues.

Response: The Property is located south of Mill pond Park. Per the original Goose Creek Preserve approval, Mill Pond Park may incorporate a storm water management pond. A stormwater pond may serve as a "visual" amenity in the Park.

**GOOSE CREEK PRESERVE
PORTION OF LAND BAY IV
(ZCPA 2012-0003)
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C. ISSUES FOR CONSIDERATION SECTION 6-1211(E)

1. **Comment:** 1. Section 6-1211(E) (4). Staff questions whether adequate capital facilities are provided with this application as the proposed townhouse units have a greater fiscal impact on capital facilities than a multi-family unit. In addition, Staff further notes that the Applicant's Statement of Justification states that they are proposing an increase to the per unit capital facility contributions for the townhouse dwelling units based on the 2004 Capital Intensity Factor for SFA units that was in effect at the time of the approval of ZMAP-2002-0009. Staff is concerned with this statement as SFA units generate higher capital facility needs and impacts compared to multi-family units. In the form of a proffer, Staff recommends that such figures be updated to reflect the current capital facility contributions for the 64 proposed SFA townhouse units.

Response: Consistent with ZCPA 2011-0002, Broadlands South Section 200, approved by the Board of Supervisors, the Applicant has increased the per unit contribution to the townhouse rate in effect at the time of approval of the project. This application has been filed in lieu of filing a quasi-judicial action to establish that multifamily dwelling units may be designed to appear and function like single family attached dwelling units so long as such units are located in a "building containing five or more dwelling units not having a separate lot," as provided in Article 8 of the Revised 1993 Zoning Ordinance.

D. PROFFERS

1. **Comment:** Staff notes that the Applicant has not provided a revised proffer statement with the specific language they wish the Board of Supervisors to consider and an opening paragraph with proffer language which states which proffers, modifications, exhibits and Letter of Clarification which will remain in full force and effect with respect to the subject property.

Pursuant to Section 6-1209(A), if there are any proffered conditions which the Applicant wishes to have considered with the application, they shall be submitted for staff review as part of the Applicant's response to the written report required by Section 6-1204(B). In no event shall the applicant's proposed statement of proffered conditions be submitted later than forty-five (45) calendar days prior to the scheduled public hearing before the Board of Supervisors. Nothing in this paragraph shall prevent the Board of Supervisors from approving an application subject to changes in proffers agreed to by an applicant at the public hearing so long as the change imposes a more restrictive standard and the ordinance adopted accurately reflects such changes.

GOOSE CREEK PRESERVE
PORTION OF LAND BAY IV
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July 2012

Furthermore, pursuant to Section 6-1209(B), proffered conditions shall be signed by all persons having an ownership interest in the property and shall be notarized. Proffered conditions shall contain a statement that the owners voluntarily enter into the conditions contained therein.

The proffer statement must be written in a manner so that there is clarity in the proffers to allow for administration and enforcement. Pursuant to Section 6-1209(G), the Zoning Administrator shall be vested with all necessary authority on behalf of the Board of Supervisors to administer and enforce proffered conditions. Such authority shall include the ability to order, in writing, the remedy of any noncompliance with a proffered condition and the ability to bring legal action to ensure compliance including injunction, abatement, or other appropriate action or proceedings, as provided for in Section 6 500 of this Ordinance. Any person, group, company, or organization aggrieved by an interpretation of the Zoning Administrator may appeal such interpretation as defined by Section 6-1209(J) of this Ordinance.

Response: Draft Proffers for this application were previously submitted to County Staff on May 22, 2012. As indicated in the responses above, the Proffers have been revised to address staff comments and are attached.

**GOOSE CREEK PRESERVE
ZONING CONCEPT PLAN AMENDMENT
(FIRST AMENDMENT TO GOOSE CREEK PRESERVE
PROFFER STATEMENT ZMAP 2002-0009)
ZCPA 2012-0003**

January 2013

Pursuant to Section 15.2-2303 of the Code of Virginia and Section 6-1209 of the Revised 1993 Loudoun County Zoning Ordinance (the “**Zoning Ordinance**”), Goose Creek Estates, LLC, a Virginia limited liability company (the “**Owner**”), the owner of 73.40 acres of real property described as LCTM-Loudoun County Tax Map #78, Parcel 7 (MCPIN 154-37-0101) (the “**Parcel 7**”), which ~~was included in~~ is a portion of the property subject to rezoning application ZMAP 2002-0009, Goose Creek Preserve, approved on July 6, 2004, by the Loudoun County Board of Supervisors (the “**Board**”), on behalf of itself and its successors in interest, hereby voluntarily proffers that development of the 4.49 acre portion (the “Property”) of Parcel 7 ~~(the “Property”)~~ that is the subject of this ZCPA 2012-0003 and is illustrated as the “Limits of Application” on Sheet 2 of 8 of the plan set entitled “Goose Creek Preserve Portion of Land Bay IV-the Zoning Concept Plan Amendment” dated February 2012, as revised December 20, 2012, ~~(the “Plans”)~~ ~~(the “Concept Development Plan”)~~ attached hereto as Exhibit A, shall be in substantial conformance with the proffers as set forth below (the “**Proffers**”), with Sheets 1, and 3 through 8 of 8 (the “Concept Development Plan”) of the ~~Concept Development Plans~~, the ZMAP 2002-0009 Proffer Statement dated June 7, 2004 (the “**ZMAP 2002-0009 Proffers**”), and the letter of clarification dated July 1, 2004, a copy of each of which is attached hereto as Exhibit B and is incorporated herein by reference, as well as Sheets 5 through 10 ~~of~~ the Concept

Comment [A1]: CDP sheet 1, note 1 says 73.70.

US_ACTIVE-109300565.7

Development Plan, approved with the ZMAP 2002-0009 (the “**ZMAP 2002-0009 Concept Development Plan**”) referenced in the ZMAP 2002-0009 Proffers, all of which shall remain in full force and effect, except where specifically amended herein.

Comment [A2]: comma

All proffers made herein are contingent upon approval of this ZCPA 2012-0003. If accepted, the Proffers amend, supersede and/or replace only those ~~proffers- portions of the ZMAP 2002-0009 Proffers~~ and those portions of the ZMAP 2002-0009 Concept Development Plan as specifically indicated below. The remainder of the ZMAP 2002-0009 Proffers and the ZMAP 2002-0009 Concept Development Plan shall remain in full force and effect.

The first sentence of ~~paragraph of~~ Proffer I.A. of the ZMAP 2002-0009 Proffers is deleted in its entirety and the following is substituted therefore:

I. REZONING PLAT AND PHASING

A. **Substantial ~~Conformity~~Conformance**. The ~~Owner proffers that the~~ Property shall be developed in substantial conform~~ance~~ with the Concept Development Plan defined herein above as comprising sheets 1, ~~and 3 through-~~ 8 of the ~~Plans Concept Development Plan~~ as revised through December 20, 2012, and with the concept development plan defined as sheets 1, ~~5 through-~~ 10 of the plan set approved with ZMAP 2002-0009 ~~Concept Development Plan~~ except as modified by the Concept Development Plan. No dwelling unit constructed on the Property shall exceed 2,000 square feet of ~~livable-habitable~~ space, excluding enclosed parking (a garage) and the common foyer for each such dwelling unit.

Comment [A3]: Suggest 'habitable' since that word is used throughout the Zoning Ordinance and 'livable' is not used in the Zoning Ordinance.

The following paragraph shall be added as Paragraph I.D.:

D. Lighting on the 4.49 Acre Portion of the Property. ~~The Owner proffers that~~

~~within the 4.49 acres of the Property that is the subject of ZCPA 2012-0003 the glare of a bulb on any All exterior lighting installed on the Property shall be designed, constructed, and installed to minimize light trespass, and limit the view of lighting from, beyond the property line of the lot on which such exterior lighting fixture is located and, specifically, exterior light fixtures shall be “full cutoff outdoor lighting fixtures” as defined by the Illuminating Engineering Society of North America (IESNA). Such lights will be fully shielded and will be directed inward and downward toward the interior of the lot on which such exterior lighting fixture is located, away from the public streets and adjacent properties.~~

~~shall be fully shielded and downward directed so that the direct glare of the bulb is not visible beyond the property line of the lot that is the location of such bulb.~~

These proffers shall be binding on the heirs, executors, administrators, assigns and successors in interest of the Owner. The undersigned hereby warrants that all of the owners of any legal interest in the Property have signed this proffer statement, that no signature from any additional party is necessary for these ~~p~~P proffers to be binding and enforceable in accordance with their terms, that the Owner has full authority to bind the Property to these conditions, and that the ~~p~~P proffers are entered into voluntarily.

Goose Creek Preserve
Zoning Concept Plan Amendment
ZCPA 2012-0003
January 2013

GOOSE CREEK ESTATES, LLC,
a Virginia limited liability company

By: _____

Comment [A4]: Proffer statement should be executed by the Manager of the LLC, presumably, U.S. Home Corporation.

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF _____; to-wit:

Before the undersigned, a Notary Public in and for the aforementioned jurisdiction, personally appeared _____, as _____ of U.S. Home Corporation, Manager of Goose Creek Estates, LLC, a Virginia limited liability company, who acknowledged that he/she executed the foregoing Proffers with the full power and authority to do so.

IN WITNESS WHEREOF, I have affixed my hand and seal this _____ day of _____, 2013.

Notary Public

| My Commission Expires: _____

| Notary Registration Number: _____